

March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S 3737

or yellow skin and pay homage to other religions.

On the surface, the deficiency lies in the policies and priorities of the advanced countries. More deeply viewed, the stagnation of policy and commitment points to the shrinking moral boundaries of peoples whose comforts are increasing dramatically. And at bottom, widespread complacency in the face of accelerating disparity is building up to a massive indictment of the breadth of outlook, adequacy of theology, compassion and efficacy of action of Christians and their establishments in the industrialized countries.

No area is more subject to misleading figures than the aid field. Grants, long-term loans, hard bank loans, strictly commercial export credits, surplus food, private investment for profit, and contributions to international organizations can all be loosely called "aid." Lumping together all these apples and oranges, *The New York Times* on July 20, 1966, headlined the annual stock-taking meeting of the "rich man's club"—the Development Assistance Committee of the Organization of Economic Cooperation Development—as follows: "Aid to the Poor Nations Soared to Record \$10.98 Billion in 1965." Nothing could be more misleading.

Few readers could be expected to draw from the article the real news: that once again there was no significant increase in governmental aid; that no progress was being made in liberalizing interest rates and maturities; that the slump in new commitments in 1965 threatened to become an actual drop in the future flow of aid.

The unvarnished fact is that governmental foreign aid for development from the dozen or so rich countries to the hundred poor ones has reached a dead level—less than \$6 billion a year—where it has remained stuck for the past five years. The total represents six-tenths of 1 per cent of a trillion-dollar economy. This level becomes steadily less impressive as the economies of Europe, America and Japan reach new highs, as repayments of principal and interest from the poor increase, and as the terms of trade (what can be bought from the rich by the exports of the poor) remain unfavorable. Even now over half of the flow of development finance is offset by the return flow of amortization, dividend and interest payments. At the present rate the world of the poor will, in shortly more than a decade, be repaying the rich more than it receives. It is already arguable that the flow of brains has been at least as much to the rich as to the poor.

This stagnation of developmental aid has taken place at a time when the administrative capacity of the developing world, the national and regional planning of practical projects and uses for resources, together with the population and its other needs, have all increased. What could have been a brilliant, historic, developmental achievement of the last decades of this century seems to be turning into a Sargasso Sea of wrecked hopes, frustration, mutual recrimination and despair.

## THE MYTHOLOGY OF FOREIGN AID

All too few Americans are aware of this global grinding to a halt. Even fewer would point an accusing finger at the United States. In this field, particularly, we subscribe uncritically and arrogantly to a mythology that has less and less resemblance to facts.

The first myth is that we are giving either just enough or too much aid. (A 1965 poll showed only 6 per cent of Americans favoring an increase.) Actually we are fast approaching an annual gross national product of \$795 billion. Each year's increase exceeds the total combined product of all but seven developing nations. We can take a special lack of pride in seeing our aid percentage of GNP decrease from 2.5 percent in the Marshall Plan era to less than three-tenths of 1 per cent today.

In absolute terms we are spending far less today on our entire overseas development programs than when we were one-third as wealthy and helping only our white Christian neighbors in Europe. Aid accounts for less than 2 per cent of the national budget. Our balance of payments ledger shows the overseas aid expenditures have been cut from nearly a billion dollars in 1961 to less than \$250 million in 1965—a small fraction of our net deficit.

In 1966, Congress, after the usual dreary debate, cut the President's "bare bones" aid request by 13 per cent to the lowest level since 1958. And this year the prospect is even more dismal, with the President's reportedly seeking even less for aid than he requested last year—and from a more hostile Congress.

Where we are heading is crystal clear. Our average yearly per capita income is \$3,000. That of the 80 developing countries that are members of the World Bank is \$120. Our growth is 5 per cent a year, theirs is 1 per cent. By the year 2000, our average per capita income will have risen by \$1,500 and theirs by \$50. The gap will have widened by a ratio of 30 to 1. In 15 years, according to Hugo Fisher of the Resources Agency of California, the U.S. will have 95 per cent of the total population and will be using 83 per cent of the world's natural resources. He adds that the understatement that the rest of the world will take a "dim view" of such consumption (*The New York Times*, March 20, 1966).

A second myth is that we are the only nation giving substantial aid. In fact the countries of Europe, Canada and Japan have already given more to the developing world than they received under the Marshall Plan. The U.S. is not first, but fifth, in the size of its aid program in relation to its income. Others give a larger proportion of outright grants, send more experts and teachers overseas and make loans on more generous terms. Indeed, as the Western world's top aid policy-makers were meeting in Washington last summer, Canada announced its new policy of making interest-free development loans, while the U.S. Senate sought to increase our interest rate for the third time in recent years.

Another myth holds that U.S. aid is poorly planned and administered. In fact, nearly two decades of aid activities (and particularly the last four years under the leadership of David E. Bell) have seen continued improvement in administration, planning, the delicate linkage between external aid and internal efforts and discipline, inspection and follow-up.

Rare indeed are the bloopers that made the headlines a decade ago (but which immortally retread the stairs like Jacob Marley's ghost). And somehow a cadre of development experts—who are the envy of the aid ministries of Europe but prophets without honor at home—has been attracted to and stuck with this program, both in Washington and overseas.

Perhaps the myth most dangerous to our ability to assist in this historic task of development with grace and effectiveness is that we expect more "progress" in remote places and alien cultures, for our money, than we do at home. When we fight juvenile delinquency, crime, narcotics addiction, mental illness, poverty and racial discrimination, we know that success will come slowly, that failures will often outnumber successes, and that a great deal of effort and funds will thus be "wasted." Not so with foreign aid. If the countries we try to help do not respond immediately with gratitude, political support, competent planning, internal discipline and social justice, we are all too ready to abandon the effort. We are not content to do God's work. We want to play God.

## OUR "CONSCIENCE GAP"

If there is a widening gap between the rich and the poor, between supply and demand, there is an equally serious "conscience gap," a gap that represents an erosion of spirit and a moral hardening of the arteries of the American people—and their cousins in Europe. It represents a missed opportunity for the modernized world. And it represents a Pilate-like abdication by the Christian Church at what is, for better or worse, a watershed in history.

So far in this two-decade-old adventure in helping other peoples, the Christian establishment can take little credit for what has been done. I exempt from this harsh observation the quiet, steady, effective work that has been done by the numerous Catholic, Protestant and Jewish service agencies, together with their corps of keen and dedicated officials, that have been active in the developing countries. But the "Church" as a center of contemporary doctrine, understanding, education and inspiration applicable to this historic demand on our breadth of view and depth of concern might just as well not have existed.

Resounding resolutions, well-drafted testimony for Congressional committees, participation in conferences and last-minute lobbying with other internationally-minded groups to stave off disaster in Congress have not been lacking. There has been cooperative fellowship but no creative leadership. There has been no sustained or effective effort by top church bodies to relate our development aid effort to Christian doctrine. Their headquarters are woefully lacking in staff equipped to collect, analyze and present facts.

The result has been that an administration or Congress can and does slash aid requests and appropriations, raise interest rates, shorten periods of repayment, attach self-defeating conditions and restrictions to aid, cut personnel and limit the number of countries assisted, without any danger of hearing from the Church or its constituency.

The President, a few dedicated officials and a small and dwindling stable of weary Congressional workhorses have had to sponsor and defend aid policy without the assistance of strong voices from the Church or an effective aid constituency. Any church pronouncement on the need for greater, more sustained or more effective assistance is likely to be such a melange of factual error or inadequacy and sweeping generality that it cannot be expected to influence the levers of power.

At the grass roots, priests, pastors and rabbis all too often exhibit either indifference or a lack of grasp that emasculates their effectiveness in helping to find the link between religious tradition and this most contemporary challenge to it. Congregations respond generously to concrete, specific opportunities but not to the overriding challenge to national commitment. They will rally generously to support a family in Chile or a mission school in the Philippines; they will listen with warm hearts to a returning church worker, government employee or Peace Corps volunteer. But when national policy and programs of assisting other peoples are discussed, Christians are just as ill-informed, unconcerned and hostile as anyone else.

There are signs of change. As a result of Vatican II, there is burgeoning cooperation between Roman Catholics and Protestants in the aid field. The National Council of Churches (NCC) has created an Advisory Committee on Peace with the needs of developing countries as one of the concerns. And the World Council of Churches' Conference on Church and Society set forth the problem in clear, unmistakable terms.

More recently there was the action of the NCC in Miami that gave prominent recogni-

S3738

## CONGRESSIONAL RECORD — SENATE

March 14, 1967

tion to the development challenge in its peace program. But the most concrete evidence of good intentions lies in the action of the United Church of Christ, whose Council for Christian Social Action opened a Washington office on Jan. 3, under the direction of Rev. L. Maynard Catchings, to promote substantially increased government and private spending on international development. The Council hopes that representatives of other denominations will soon join the staff.

## THE CHURCH AS CATALYST

Notwithstanding these straws in the wind, I sense a blandness, a proclivity to phrase general propositions, an avoidance of any program smacking of action. Barbara Ward closed her eloquent call to action in the Feb. 8, 1966, issue of *CHRISTIANITY AND CRISIS* with the question: "What shall we do?" It seems to me that we begin by doing what we have power to do—and not by issuing ringing pronouncements. The crying need is for the soul of Christian spirit to be tilled at home and abroad. This is a humble but doable task if the Church is so minded.

The specific tasks start with the development of Christian doctrine consistent with the task ahead and the setting of its priority. The work should continue with equipping the Church with headquarters and field staff to collect, analyze and present facts and issues, while developing training programs and materials for its clerical and lay leaders. At the same time the Church should strive to be a catalyst for a truly national, broadly representative, nongovernmental, continuing effort to stimulate and sustain understanding and support of this dimension of national policy. Finally, there should be a joining of forces with the Christian and Jewish communities abroad, toward the end of revitalizing the conscience of the rich.

It may well be that the task is too big. But failure is less to be feared than striving. For while this is a crisis for the times, it is also a crisis for the Church.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

Cone Conn

## CONSULAR CONVENTION WITH THE SOVIET UNION

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. A Consular Convention between the United States of America and the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964 (Ex. D., 88th Cong., second sess.).

The Senate proceeded to consider the convention.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum; and I ask unanimous consent that the time for the quorum call be charged against the time allotted to the junior Senator from Arkansas (Mr. Fulbright).

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending question is on the adoption of Reservation No. 1, offered by the Senator from South Dakota, to the resolution of ratification. Debate is limited to 4 hours, to be equally divided and controlled by the Senator from South Dakota (Mr. MUNDT) and the Senator from Arkansas (Mr. Fulbright).

## RECESS UNTIL 1:30 P.M. TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1:30 p.m.

The PRESIDING OFFICER (Mr. Talmadge in the chair). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Thereupon (at 12 o'clock and 10 minutes p.m.) the Senate took a recess until 1:30 o'clock p.m., the same day.

At 1 o'clock and 30 minutes p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. Talmadge in the chair).

## CONSULAR CONVENTION WITH THE SOVIET UNION

The Senate resumed the consideration of the Consular Convention between the United States of America and the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964 (Ex. D., 88th Cong., second sess.).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask that the time be taken out of both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 20 minutes.

Mr. MUNDT. Mr. President, before getting into a discussion of the reservation which is now before us, Executive Reservation No. 1, I should like to read into the Record two statements which have come to my office today.

Yesterday, during the colloquy introduced by the Senator from California (Mr. Murphy), during the discussion led by the Senator from Nebraska (Mr. Hruska), some interesting observations were made in connection with the rather surprising fact that none of the national pollsters had taken polls, or at least had not reported them generally in the press, on this very important and difficult question now before us.

Early last evening I received a telephone call from a Mr. Jim Nicholls, of KDAY, a radio station in Tacoma, Wash., who operates a program called "Partyline." He said that this radio station in

the State of Washington had been conducting a poll for several days on this particular topic. I said:

That is interesting. Why don't you send me a telegram and tell me what is in it, and I will be glad to read it into the Record?

A telegram from him came this morning. I shall read it into the Record. I should add I shall be pleased to place into the Record any other authentic polls which can be secured from radio stations, newspapers, or the famous pollsters, George Gallup and Louis Harris, both of whom have apparently overlooked taking a poll in connection with this question, to see how those who are interested have expressed themselves on this subject. I reaffirm what I said yesterday. I think on issues of this kind, when we should hear and heed, as I think we do, the hopes and prayers of people everywhere for an early conclusion of this war, that at least their expressions should be heard by Members of the Senate.

The telegram reads:

Senator CARL MUNDT,  
The Senate,  
Washington, D.C.:

In a phoned-in written poll on the Consular Treaty on my radio program covering the greater Tacoma area thirteen hundred ten opposed and one favorable. This sampling appears indicative of how the average citizen feels . . .

Then follow some compliments about my efforts here, which it might be immodest for me to recite. However, I shall have to put them into the Record because they are a part of the telegram, but that part will appear in the Record without my reading it.

I ask unanimous consent that the telegram be printed in the Record at this point.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

TACOMA, WASH.,  
March 14, 1967.

Senator KARL MUNDT,  
The Senate,  
Washington, D.C.:

In a Phoned-in written poll on the Consular Treaty on my radio program covering the greater Tacoma area thirteen hundred ten opposed and one favorable this sampling appears indicative of how the average citizen feels many thank God for your courageous leadership in opposing the chief suppliers of arms killing American boys in Viet Nam.

JIM NICHOLLS,  
"Partyline," KDAY.

Mr. MUNDT. Second, this morning I had a group call at my office representing the Military Order of the World Wars, the District of Columbia Chapter, and they asked me to present to the Senate the judgment and the recommendations of their order, which is comprised solely, of course, of distinguished officers and soldiers who have fought for our colors in previous wars.

Their resolution is dated March 10, and reads as follows:

Resolution relative to the Consular Convention between the United States and the Union of Soviet Socialist Republics now pending before the United States Senate:

The District of Columbia Chapter, the Military Order of the World Wars held its usual luncheon meeting at Noon, Thursday

March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S 3739

9 March 1967; at which the members present unanimously adopted the following Resolution;

Resolved, That the District of Columbia Chapter petition the United States Senate not to ratify the Consular Convention pending between the United States and the Union of Soviet Socialist Republics.

Attest:

HUGH H. HARTLEY,  
Adjutant.

Mr. President, I ask unanimous consent that the resolution of the Military Order of the World Wars be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

[From the Military Order of the World Wars, District of Columbia Chapter]

Resolution relative to the Consular Convention between the United States and the Union of Soviet Socialist Republics now pending before the United States Senate:

The District of Columbia Chapter, the Military Order of the World Wars held its usual luncheon meeting at Noon, Thursday 9 March 1967; at which the members present unanimously adopted the following Resolution;

Resolved, That the District of Columbia Chapter petition the United States Senate not to ratify the Consular Convention pending between the United States and the Union of Soviet Socialist Republics.

Attest:

HUGH H. HARTLEY,  
Adjutant.

Mr. MUNDT. Now, Mr. President, so that Senators who are not present, and who may have occasion to reflect upon what is being debated this afternoon when they read the RECORD tomorrow morning—unhappily, after they have voted—and also so that those who study the RECORD back home, and historians who may comment upon the decisions we are about to make may have ready access to the focus upon which this debate hinges, I ask unanimous consent to have printed at this point in the RECORD the full text of Executive Reservation No. 1.

There being no objection, the reservation was ordered to be printed in the RECORD, as follows:

Before the period at the end of the resolution of ratification insert a comma and the following: "subject to the reservation that no exchange of instruments of ratification of the convention shall be entered into on behalf of the United States until the Union of Soviet Socialist Republics shall have agreed (1) to permit the distribution to the Soviet press or any segment thereof by United States diplomatic and consular officers of announcements of United States public policy, both foreign and domestic, and answers to any criticism of such policy contained in the Soviet press, and (2) not to impose or enforce any limitation on the number of United States citizens permitted to be in the Soviet Union at any time as representatives of the United States press which would effectively reduce them below the number of Soviet press representatives entering the United States, or to impose upon them any conditions of travel or objective reporting which do not prevail for Soviet press representatives within the United States."

Mr. MUNDT. Mr. President, as I see the decision which we are about to make by a rollcall vote sometime this afternoon, two major questions are involved; and the same two questions will be involved

when we vote on a much more significant and far-reaching proposed reservation which I have proposed sometime late tomorrow afternoon.

The first of these considerations, it seems to me, is the question of whether or not the U.S. Senate still has the right—and I believe the responsibility—to exercise its full constitutional prerogative of both advising and consenting on the matter of international treaties.

The second consideration is, of course, the desirability, the usefulness, and the wisdom of the specific reservations being discussed.

I propose to discuss first, Mr. President, what I consider to be the continuing responsibility of Senators, all of whom took the oath, as they entered the Chamber for the first time, to support the Constitution of the United States. I think that oath carries with it the constitutional responsibility of facing up to the responsibility of advising the Executive on treaty-making, as well as registering their dissent or assent.

Let anyone may have forgotten the exact language in the Constitution, it is found in article II, section 2, clause 2 of our hallowed Constitution; and in discussing the powers of the President and the powers of the Congress, I refer to that constitutional language, which reads—

Mr. ALLOTT. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until the Senate is in order.

The Senator from South Dakota may proceed.

Mr. MUNDT. The language reads as follows, under the heading "Powers of the President":

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur.

In that connection, Mr. President, I was both impressed and intrigued by what I found in reading the CONGRESSIONAL RECORD which arrived in our offices this morning, because there on pages S3580 and S3581 the majority leader had placed the texts of letters received, in the first instance, by the chairman of our Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], and signed by the Secretary of State, Dean Rusk; in the second instance, by our honored and respected majority leader [Mr. MANSFIELD], and signed by the Assistant Secretary for Congressional Relations, William B. Macomber, Jr., who has only very recently succeeded to that task, since his predecessor, Doug MacArthur, has gone off to assume ambassadorial duties; and in the third instance, another letter received by the majority leader, also signed by William B. Macomber, Jr.

The sum and substance of those letters is to the effect that the U.S. Senate should not, at this late hour, engage in its advisory function. The sum and substance is that if we were to offer advice, and it were adopted now, it would delay the ratification of the treaty, or perhaps jeopardize it altogether.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MUNDT. Surely.

Mr. MANSFIELD. I am sure that the administration would be delighted to receive any advice from the Senate. It has received it quite often from the distinguished Senator from South Dakota as well as from the Senator from Montana now speaking, and also from other Members of this body.

But the Senator from South Dakota must keep in mind—and I am sure he does—that this convention was initiated by the United States. It was initiated because we thought it was in our best interests to have such a convention. It is not a question of setting up consulates, because the President already has the authority to set up consulates.

Mr. MUNDT. I agree.

Mr. MANSFIELD. It is a question primarily of furnishing protection to the 18,000 Americans who now visit the Soviet Union every year. If reservations are attached, it is my belief that the convention will not be ratified by the Soviet Union. That means that Americans who visit the Soviet Union will continue to be subject to Soviet law, just as Soviet citizens—tourists, that is—who visit the United States—and they number under 900 a year—are now subject to American law which includes the rights guaranteed every person in this country under the Constitution, which insure that Soviet citizens receive prompt and speedy attention to their situation.

If the convention is not ratified, because of reservations and other matters which prevent its ratification by the Soviet Union, the 18,000 or more Americans who travel in the Soviet Union will remain subject to the laws of the U.S.S.R. They can now be held incommunicado for nine months or more, and our ambassadorial staffs can have great difficulty in gaining access to them and furnishing all assistance possible to them.

Advice is one thing, but attaching reservations is another. I would hope that the Senator from South Dakota and the Senate as a whole will keep these factors I have mentioned in mind.

Mr. MUNDT. The Senator from Montana has correctly expressed the consensus of the purport of the letters in the RECORD, to which I have just invited attention. He is precisely correct in emphasizing, once again, as it is emphasized in the letters, that the main purpose of the convention is to protect Americans who may be traveling in Russia.

But the Senator does not come to grips with the question: Of what conceivable use is it for the Senate, with respect to any treaty, to offer advice, if it is not in terms of a reservation or in terms of an amendment? It is the world's greatest exercise in futility to offer advice concerning what may happen under a treaty. The terms of a treaty determine what will happen, and it is not possible to create legislative history even to alter that, as can be done with respect to an ordinary legislative matter. Our advice must be incorporated in the treaty by reservation or amendment or it is both futile and meaningless.



S3740

## CONGRESSIONAL RECORD — SENATE

March 14, 1967

Mr. MANSFIELD. Mr. President, will the Senator further yield?

Mr. MUNDT. Surely.

Mr. MANSFIELD. Mr. President, there are different kinds of advice; and I believe that I can recognize advice which is intended to kill a treaty.

It is my belief—I may be mistaken—that the Senator from South Dakota is opposed to this convention in practically any form in which it could be ratified—perhaps not in any form, although I am unable to conceive of any at the moment. If he could have reservations attached, he could go home to the folks in Huron and Winner and say, "This is what I did: I strengthened the treaty."

Mr. MUNDT. That is what I want to do.

Mr. MANSFIELD. But he would have to tell them also that there was no treaty; that his reservations had killed it.

Mr. MUNDT. That is a speculation which the Senator from Montana has a right to engage in.

It will be the burden of my argument to say that this is a good-faith amendment to test the good faith of the Soviets from the standpoint of wanting a rapprochement, in which case I think they would be happy to accept the reservation.

Mr. MANSFIELD. The Senator has been diligent in his opposition to this treaty. I know his motives are sincere. I know that he feels as he does because of his convictions. But I point out that while the Senate has the right to give advice, and should, we ought to take into consideration the responsibility of the executive branch.

The work which has gone into this convention began, may I say, under Eisenhower, and I believe the genesis can be found in the kitchen debate between Khrushchev and Nixon in Moscow; it was carried forward by Kennedy and is now being brought before the Senate by President Johnson.

In the last session, I was worried about bringing this treaty to the floor of the Senate. And while there are organizations in this country which claim credit for stopping such action last year, the fact is that the majority leader, the Senator from Montana, personally was disinclined to bring the convention before the Senate because of what he feared might be the ultimate result. Perhaps it was a mistake in judgment on my part.

Mr. MUNDT. I think the judgment of the Senator was excellent.

Mr. MANSFIELD. That is open to question, but at least this year we will face up to it, win, lose, or draw.

I hope—and the Senator has been most cooperative—that we can bring this matter to a head this week. I have asked every Democratic Senator to come back and stay until this matter is finished, and I assume that the same thing has been done on the Republican side.

The Senator has kindly consented to a limitation on debate on his reservations, for which I am deeply grateful, and the Senator from Maine [Mrs. SMITH] has kindly consented to a limitation on her executive understanding.

I would hope that this matter could be faced up to and that we can make our arguments and explain our differences on the floor and that, in some way, the final issue could be met and that this matter, which has been before us for 3 years now could be settled this week.

Mr. MUNDT. As the Senator knows—and I have told him privately, and I do not mind stating it publicly—the Senator from South Dakota has no intention of engaging in dilatory tactics.

Mr. MANSFIELD. The Senator is always accommodating and I know that he has no such intention.

Mr. MUNDT. The Senator from South Dakota has no intention of filibustering and no intention of upsetting any program that the leadership has for a reasonable amount of debate and for fixing a time certain for this momentous and historic vote which will accommodate as many Senators as possible.

I am glad that the majority leader recognizes, with the Senator from South Dakota, that we have responsibilities as Senators to offer advice. Let us then be practical about this.

If that is a constitutional right, if that is a constitutional duty, when and where can the Senate offer any meaningful advice except when the treaty is before it, unless we accept the followup fact that this is the time and now is the hour to offer whatever advice we feel is meaningful and significant?

We would otherwise have to accept the fact that by precedent this constitutional prerogative has been eliminated. I do not think it should be, and I do not think it has been.

On numerous occasions in the past, earlier Senators, who were perhaps sturdier than our generation of Senators, have written in reservations, have written into treaties their advice at the time the treaty was up for consideration.

That does not mean that they killed the treaty. If the reservations are obnoxious to the other side and are upsetting to the purposes of the other side, there might have to be renegotiation. However, if they are acceptable, if they are good faith amendments—as this one is—and are incorporated in the treaty by negotiations, there would perhaps just be acquiescence on the part of the other parties to the treaty.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. LONG of Louisiana. Mr. President, as far as this Senator is concerned, my mind is not closed. I could vote either way on the reservation or the treaty. I believe the same thing would be true with respect to the present Presiding Officer, the distinguished Senator from Georgia [Mr. TALMADGE], who offered an amendment the other day to try to clear up the thing that troubled him the most about the treaty.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. MUNDT. Mr. President, I yield myself an additional 15 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for an additional 15 minutes.

Mr. LONG of Louisiana. Mr. President, as the Senator well knows, there is a very popular television program entitled "The FBI." On every second or third televised program of that show, the general theme is that there are Soviet agents in our country that are engaged in an espionage program and have murdered people and have tried to carry out their devious schemes.

We are told that the program is based upon actual facts and that such facts have actually happened in this country.

Mr. MUNDT. At least 28 times in the last several years we have had to send Russian agents in their diplomatic service back to Russia because they were caught in espionage activities.

Mr. LONG of Louisiana. If some Russian happened to be working in a consulate in this country and kidnapped or murdered someone, it would be very difficult for me, having voted for the treaty, to explain to the people in Louisiana why I voted to allow that fellow to go around killing Americans and be punished by being sent home with nothing more than the accolade of the Russian people.

I think the amendment would probably carry if enough Senators were present to hear the debate. I am told that there is no such provision in any treaty with any other country.

We were told in committee that this was a much better deal for us than for the Soviet Union. I cannot understand what our interest is in going around murdering their citizens, but if the committee thinks it is a better deal for us than it is for the Soviets, then I would assume that it is in this treaty because our Government asked for it. And if that is what it is doing here, I should think the Russians would be happy to have it taken out.

Mr. MUNDT. May I clear up for the Senator exactly how this immunity clause crept into the treaty.

What the Senator from Montana said is correct. This treaty had its genesis and suggestion from the Eisenhower administration. But I call attention to two important documented facts of history.

In the first place, when the Eisenhower administration made that suggestion to Russia, we were not at war in Vietnam, and the Russians were not supplying every sophisticated weapon that was killing every American boy killed by such devices in the entire war in Vietnam. So we are in an altogether different climate now. There is no relationship now to that earlier situation.

The other fact is—and no member of the committee will dispute this, because it is in black and white in the hearings—that the Eisenhower proposal was for the establishment of consulates and the working out of confrontation and notification, with no reference whatsoever to this entirely unprecedented concession of immunity.

The Soviets, according to the testimony in the record, insisted on this total immunity clause as a condition precedent, before they signed the treaty. Let us not be deluded about that. Whether it works to their benefit or to ours can be a matter of debate, but there is no question that the immunity clause



March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S3741

was written in because the Soviets said it had to go in or there would be no treaty. What the Senator says is correct, because the Soviets have put it in.

If the janitor in the consular office established in Chicago—assuming that they establish one there—murders the President's wife, all you can do, as the distinguished present occupant of the Chair, the Senator from Georgia [Mr. TALMADGE], said the other day, is to bid him a fond farewell as you ship him back to the U.S.S.R.—not for punishment, but perhaps for praise.

Mr. LONG of Louisiana. As I understand, nothing in this treaty would give the 10,000 or 20,000 Americans visiting the Soviet Union any right to murder somebody there and come back home scot free.

Mr. MUNDT. All it does is to give our consular officers the right to commit murder, with the same immunity. We do not send them there with murderous intentions, nor are they sent there as trained spies.

Secretary of State Rusk has said that we can discuss this treaty with the understanding that every Soviet consular official coming here will be a trained member of the KGB, their secret police system. He was not trying to delude us.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MUNDT. I believe I can anticipate what the Senator is going to say.

Secretary Rusk said—and J. Edgar Hoover agreed—that we can cope with that situation given the necessary FBI agents.

Mr. MANSFIELD. Does the Senator from South Dakota, if he follows his argument to its logical conclusion, assume that all the Americans in the U.S. consulate in the Soviet Union will be diplomats?

Mr. MUNDT. If history has the unhappy habit of repeating itself, which it frequently does, I am afraid that a surprisingly large number of them will be diplomats, untrained in the kind of activities in which the KGB officers will engage in America.

Mr. MANSFIELD. I do not wish to engage in an argument on this particular phase of the subject, but I am sure that the Senator is well aware of what I mean.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. LONG of Louisiana. Frankly, I would like to vote for the treaty, provided some of the doubts I have about this matter could be cleared up. If not, I might be compelled to vote against ratification of the treaty.

If what we are told on television is correct, the FBI authorizes the programs about the FBI, in which Russian agents go around murdering American citizens and kidnaping people and engaging in all sorts of acts of extortion to force patriotic citizens to yield security information to Soviet spies. Would the Senator not find it a rather high price to pay for a small amount of expanded tourist service in the Soviet Union, the first time they murder a dignified and outstand-

ing American citizen, without any recourse against the murderer?

Mr. MUNDT. I am sure that the Senator from Louisiana must be as curious as I am as to why we acquiesced to this immunity clause. The record stands eloquently silent, with respect to witnesses from the State Department, as to why that clause is in the treaty and what possible good it can do for the United States.

On pages S3580 and S3581 of yesterday's Record are printed the letters from the State Department, in support of the treaty. Not one sentence can be found in those letters in which the immunity clause is mentioned. They say the purpose of the treaty is to protect American travelers. However, American travelers do not get any protection whatsoever from the immunity clause. It does not apply to them; only to consular officers. Actually, these travelers get very little protection of any kind.

All they get is the right to have the consular office notified that they are in jail. Then, within a limited number of days, they have a right to talk to a consular officer, who comes in to verify the fact they are in jail and who attempts to find out why. Nothing beyond that. Nothing about guaranteeing the American a free trial. Nothing at all guaranteeing him his release.

A treaty to protect Americans? That is what an American wants when he is in trouble. When he is in trouble, he wants to talk to a lawyer and to have a free trial and a fair trial, and a chance to express himself. He is not so much concerned about having a conversation through the bars of a prison cage with a consular officer, but that is all he gets by this treaty.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. HRUSKA. Does the Senator mean to tell the Senate that that man could still be held for 9 months, pending the completion of the investigation of the charges made against him?

Mr. MUNDT. I mean to tell the Senate that that man could be held for 9 years, if it is in conformity with Russian law. Anyone who reads this provision will be as astounded as I was. This is all they promise; this is what they say we will get: the right to be notified and the right to converse with a consular officer. Only that and nothing more.

It would have been a much more significant treaty and one much easier to vote for if they had gone a step further and said that an American citizen in Russia shall have a right to a fair trial. But it does not say that. This point should be established in the Record. Even a quick reading of the wording of the treaty establishes that.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. MILLER. May I say to the Senator from Louisiana that I propose to vote for the pending reservation, but I must be fair about this. I wish to express my view on the point that the Senator from Louisiana has raised.

If, for example, a murder should be committed by one of their consular officials in this country, and if he should return to Russia without anything but a goodbye from us, my guess would be that we might well decide to call off the establishment of any more consulates and to close those already established.

Mr. MUNDT. It would take 6 months to do so.

Mr. MILLER. It is too bad that one person must die in order for that to be done, but that need not be repeated.

On the other hand, if one of our citizens in Russia is involved in a similar situation, nothing in the present Russian scheme of doing business, as I understand, would prevent them from charging our citizen with a trumped-up murder charge; and in their jurisprudential system it is difficult to say what would happen. But the American citizen could be put away for a long time.

So, with a view to preventing that from happening to our own citizens, I understand the immunity clause was put in.

I recognize that arguments can be made on both sides of this matter, but I desired to respond to the Senator from Louisiana and to tell him how I have evaluated this part of this treaty.

Mr. MUNDT. The immunity clause was put in for the protection of Russian consular officials. If the Russians decide to pick up, on a trumped-up charge, one of these 18,000 Americans traveling for pleasure or for profit, they can hold him forever. All they need do is agree to let him have a conversation now and then with his consular officer. The immunity does not run to the average citizen. It runs only to the consular official of the two countries.

Mr. MILLER. I accept the interpretation of the Senator from South Dakota. The Senator is correct.

But if one of our consular officers in Russia is involved, he is assured that there will not be trumped-up charges made against him which might cause him to serve a long time in a Soviet prison. I believe that a degree of assurance is provided to our potential consular officials on this point.

I should like to return to the point made by the distinguished majority leader, when he stated that it is his opinion that if this reservation were adopted, the treaty would not be ratified by the Soviet Union. As the Senator from South Dakota has pointed out, everybody is entitled to his opinion. But I wish the Senator from Montana would give us the benefit of the reasons why he is of that opinion.

I do not necessarily share that opinion. Perhaps other Senators do not share it. I should like to know what reasons the Senator from Montana has for the opinion that if this reservation is adopted, the treaty is gone. I do not know why that would necessarily follow.

This is, in fact, an open-skies reservation. Why should we prejudge the leaders of the Soviet Union by saying because we would like to have an open-skies policy adopted, therefore we ratify this treaty subject to that understand-

S3742

## CONGRESSIONAL RECORD — SENATE

March 14, 1967

ing. If the Soviet Union is not going to agree to this because they do not want an open-skies policy, a question is raised as to whether or not this is the time to ratify this particular treaty.

I believe that most of us in the Senate have long favored an open-sky policy. This policy goes back to the Eisenhower days. We are saying we ratify the treaty but that it would not take effect until we have an open-sky policy over there. If I were to vote against the convention I would, perhaps, be subject to criticism for abandoning an open-sky policy which has long been supported as the policy of our country.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MUNDT. I would be happy to yield. However, I would like to have a little lend-lease arrangement in order to get additional time. I am going to run out of time.

Mr. MANSFIELD. Surely.

Mr. MUNDT. I thank the Senator.

Mr. MANSFIELD. I do not know what the Senator from Iowa means when he refers to the pending reservation as an open-sky reservation. That has nothing to do with it. He asked for my opinion about this convention.

I am for it because it is in the interest of the United States far more than it is in the interest of the Soviet Union. I am for it because this convention was undertaken at our initiative, and, may I say to my friend from Iowa, under a Republican President whom we revere and respect.

I am for it because it gives added protection to Americans who may be traveling in the Soviet Union. Had we had a convention like this, perhaps Mr. Newcomer Mott might be alive today, and perhaps other Americans would not have had to go through the travail which was theirs because they had no protection, no access to a consular or diplomatic official and, therefore, were in effect helpless; certainly so in comparison with the rights which we, under our laws and our Constitution, give Soviet citizens in this country who are not in the diplomatic corps.

Those are the reasons why I am in favor of this convention: I am interested in protecting Americans who travel in a closed society. For the life of me I cannot understand why every Member of this body is not interested in giving those Americans the kind of protection which this convention will allow.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MANSFIELD. The Senator from South Dakota has the floor.

The PRESIDING OFFICER. The Chair has been advised that the time has been allotted.

Mr. MANSFIELD. Mr. President, we yield 15 minutes from the time on this side.

Mr. MILLER. I understand the reasons for the treaty having been proposed. In fact, during his brief absence I pointed out to the Senator from Louisiana [Mr. Long] one of the very reasons which the Senator from Montana has just pointed out. I pointed it out because I am in support of the reservation pending and

I felt at the same time I should give the Senator from Louisiana the benefit of my reason for the treaty with respect to his problem.

My real question was not the reason of the Senator from Montana for being in favor of the treaty, but the reasons why he felt that if this reservation were adopted the treaty would not be ratified by the Soviet Union. The Senator expressed his opinion on that. Many Senators feel that way. I am not sure I feel that way.

Mr. MANSFIELD. Does the Senator mean to say that he is not in favor of protecting Americans in a closed society?

Mr. MILLER. No. The Senate is not sure he shares the opinion of the Senator from Montana that the mere adoption of the reservation would be the end of the treaty. The Senator from Montana so stated.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. MANSFIELD. As far as I am concerned, if any citizen of the State of Montana travels in the Soviet Union for any purpose whatever, I want him to be given every possible protection that this convention calls for; and not only citizens of Montana, but every citizen of the United States. That is what this convention basically would do.

It does not call for the creation of consulates because consulates can be created now by the President. Basically this treaty calls for the protection of American citizens traveling in the Soviet Union, in that closed society.

The Senator does not want our people to be subject to Soviet law, to be held incommunicado for 9 months or more, and not to have access to our diplomatic personnel. Of course he does not, and neither do I.

Returning to the question raised by my distinguished friend from Iowa [Mr. MILLER] I wish to read, with the permission of the Senator from South Dakota, a letter which I received today from the Secretary of State relative to this particular reservation.

THE SECRETARY OF STATE,  
Washington, March 14, 1967.

HON. MICHAEL J. MANSFIELD,  
U.S. Senate.

DEAR SENATOR MANSFIELD: In response to your inquiry, I am pleased to give my views regarding a reservation proposed to the US-USSR Consular Convention now before the Senate.

This reservation would provide that American consular officers in the Soviet Union should have the "same right to free expression" in Russia as a Soviet consular officer would have in the United States. In addition, it would stipulate that there would be "no limit on the number of American newsmen" in Russia.

The Consular Convention is an instrument regulating the status and functions of consular personnel. It would destroy its usefulness for that important purpose if we attempted to use it as a vehicle for re-making Soviet society, however desirable it seems to us that steps should be taken in the USSR to make it a free society. I share the concern for reducing and eliminating barriers to the free expression and circulation of ideas. However, it is my strongly held judgment that this cannot be done by means of reservations to the Consular Convention. The immediate consequence of an effort to

do so in this way would be to kill the Convention.

Please do not hesitate to call on me if I can provide any further information or assistance.

Sincerely,

DEAN RUSK.

I wish to point out that today, in the Soviet Union, there are 21 accredited American correspondents, and I understand that there will soon be a 22d. Conversely, in the United States today, there are 22 accredited Soviet correspondents. Are we going to tell the Soviet Union how many American correspondents they must take into their country, and, in return, is the Soviet Union going to tell us? Of course not.

Mr. MUNDT. I wish to comment a little bit in response to this latest letter from the Secretary of State.

Mr. MANSFIELD. I have more, too.

Mr. MUNDT. I would not doubt it. We have had a blizzard of them lately. I live in blizzard country, as does the Senator from Montana, and we know how to operate in a blizzard. One must move early so as not to get smothered by a blizzard. I believe the letters are now four in number.

Mr. MANSFIELD. Speaking of letters, this is not the first blizzard of letters encountered during this treaty's consideration.

Mr. MUNDT. No, but it is one of the biggest. I must say that.

I shall comment on what the Secretary of State said. I admire him greatly. The record will show that I have done a better job in supporting his policies from this side of the aisle than have some of the colleagues of the distinguished majority leader from his side of the aisle. I speak about him as one who listened to his logic and who has supported him when I thought he was correct.

The first statement he makes is that there should not be incorporated any reservations in this treaty which would tend to direct activities of consular officials or tend to make a free society from a closed society. We have already incorporated something that is significant and unprecedented in that connection when we incorporated the immunity provision. That has never been there before, and if we are going to go that far and acquiesce and appease the Russians, I see no reason why we should not get a little bit of something incorporated in the treaty which will protect the rights, the authority, and the functioning of our consular officers who go there not to commit murder, but to try to show the American picture to the Soviet populace.

We are asked to give them this unprecedented freedom with immunity which includes espionage, rape, murder, and sabotage. Our consular officers should have the right to express themselves publicly just as the Soviet ambassadorial people in consular offices have the right to express themselves in this country.

The second phase of the Secretary's letter—and I do not blame the Secretary of State for this, and probably letter No. 5 will correct it—but he dealt with the wrong copy of the reservation. I suspect that is not his fault, but mine.

March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S 3743

Mr. MANSFIELD. It is probably mine, but—

Mr. MUNDT. No, it is in his letter, but I plead guilty. I think he has been so busy writing letters that he has not had time to read the Record.

Mr. MANSFIELD. Not at all. This was in response to an inquiry from me. I was under the impression that the Senator was offering his free press reservation, or whatever he calls it.

Mr. MUNDT. That is correct, but let me say it was an error on my part. The first printed version of my reservation did not contain the final clause. The Senate now has before it the corrected and complete version, to which the Secretary's letter did not relate.

The first clause of the reservation is now before us, and reads as follows:

... not to impose or enforce any limitation on the number of United States citizens permitted to be in the Soviet Union at any time as representatives of the United States press which would effectively reduce it below the number of Soviet press representatives entering the United States.

He ignored, however, the second clause—and I do not criticize him for that because, as I say, there was an error in the language in the first reservation. However, he avoided entirely the most significant part of the reservation now before us which reads as follows:

Or to impose upon them any conditions of travel or objective reporting which do not prevail for Soviet press representatives within the United States.

Mr. MANSFIELD. Mr. President, will the Senator from South Dakota yield right there?

The PRESIDING OFFICER (Mr. BAYH in the chair). Does the Senator from South Dakota yield to the Senator from Montana?

Mr. MUNDT. I think the Senator will agree that the Secretary's letter does not respond to that clause in the reservation.

Of course I am now happy to yield to the Senator from Montana.

Mr. MANSFIELD. Am I to understand from what the Senator seems to imply, that representatives of the Soviet press in this country have "carte blanche" to travel to any part of this country?

Mr. MUNDT. I did not say that. I said that we should have the same right to travel over there that they have to travel here. While it is not "carte blanche," there is a whole lot of latitude as to what Russian journalists enjoy here.

Mr. MANSFIELD. It seems to me I recall that some of our press representatives have traveled to various parts of Asiatic Russia. They have traveled to places such as Alma-Ata. They have traveled in the maritime provinces, although not, in recent years, to Vladivostok. They have traveled in the areas which used to be known as Russian Turkestan. They have gone down into some of the Asiatic emirates such as Bukhara and Samarkand, along the southern rim of Asiatic Russia.

Mr. MUNDT. So far as I know—and I desire to be corrected by the majority leader if I am wrong—if he has the facts to correct me, the Soviet press has the

complete right to go anywhere in this country which does not involve areas connected with our national security.

Mr. MANSFIELD. I have a statement here which I should like to read, with the Senator's permission.

Mr. MUNDT. Surely. I would be happy to listen to it.

Mr. MANSFIELD. We impose travel restrictions and controls on Soviet press representatives which are comparable to those placed on our press representatives in the Soviet Union.

Mr. MUNDT. Yes, we put them on as a quid pro quo, as a protest, but not because we originated them here.

Mr. MANSFIELD. Does not the Senator think that we should operate on a quid pro quo basis?

Mr. MUNDT. Yes, and it should be incorporated in the reservation, so that it will be determined not by the Russian formula, but by the American formula.

Mr. MANSFIELD. Does not the Senator think that the formula is being determined by the Department of State in this respect?

Mr. MUNDT. I do not. I think that the Russians have moved in and said that certain areas over there are off-bounds, and then, as a belated protest, we make some manifestation of the same kind over here.

Mr. MANSFIELD. I do not think that it is always so one-sided. I think there are occasions when we have undertaken the initiative and the Russians have reacted in kind. I think, although I cannot state this accurately, that the Russians have done so more often than we have.

Mr. MUNDT. I think that is right.

Mr. President, I invite the attention of my Republican colleagues in the Senate to the fact that a curious phenomenon presents itself to me, as I am sure it must to them. I allude to the fact that whenever the present administration has a real, sticky problem where it is not quite sure of itself and feels it is running contrary to the cross-currents of American public opinion, this administration asserts, "This thing originated under the Eisenhower administration."

Mr. MANSFIELD. It did.

Mr. MUNDT. For a long time they tried to say that our war in Vietnam originated under the Eisenhower administration. Finally, Mr. Eisenhower spoke out and said, that at the time he left office, that there were less than 500 Americans in Vietnam, that none of them was engaged in any belligerent activities, that there were only two casualties in Vietnam during the entire Eisenhower administration, and both were caused by traffic accidents.

Mr. MANSFIELD. Will the Senator from South Dakota yield?

Mr. MUNDT. In just a second. Thus, I point out that, rightfully or wrongfully—and I have supported President Johnson in his war efforts—I think it is a little bit unfortunate that whenever the administration gets itself into a real, tough situation, they try to put the blame on Eisenhower.

As I pointed out earlier, when we did initiate these consular conversations, they were initiated under Eisenhower.

They were initiated during the time we were not at war, we were not involved in fighting in Vietnam. Certainly, our boys were not being killed then by weapons being supplied by the Soviet Union, whom we are now asked to embrace in this treaty. I think these are undisputable facts which should be placed in the record.

Mr. MANSFIELD. Mr. President, the Senator does not mean to imply that the Senator from Montana, who now is addressing him, ever made any such remark about President Eisenhower, implicating him in our present difficulties—

Mr. MUNDT. No sir, I do not, but I point out that it has been made by members of the administration, of which the distinguished Senator from Montana is an important member. However, he cannot be held responsible for every statement made by every member of his administration.

Mr. MANSFIELD. But the Senator from Montana does say and does reiterate, and the Senator from South Dakota agrees with the statement, that President Eisenhower and his Vice President, Richard Nixon, were both responsible for the initiation of this convention now before us. I think that is a matter of fact and I believe they should be given credit.

Mr. MUNDT. There is no argument about that, but let us put the whole story in the record. That was done before the war—a war which we are now fighting and in which we are deeply involved, and the ramifications of which, in relationship to this treaty, comprise the main reason why the Senator from South Dakota is opposing the treaty so vigorously.

It should also be said—and the Senator from Montana will not dispute this because I think he was in the committee room when the Secretary of State testified to this effect—that the immunity provisions were not included in the Eisenhower proposal. They came at the insistence of the Soviets, long after the conversations had been negotiated and when they were moving toward finality.

Mr. MANSFIELD. I would not deny that. As a matter of fact, we agreed to do what the Soviets requested. They did not insist. So far as the immunity provisions are concerned, we agreed because we thought it was in our interest, too; but may I now get back to something else, so long as President Eisenhower's name has been brought in. If the Senator will turn to page 134 of the hearings on the Consular Convention with the Soviet Union, he will find there a statement made by President Eisenhower, dated February 2, 1967, which reads as follows:

Replying to questions concerning my opinion as to the value of a Consular Convention with the U.S.S.R., I cite these items from the record:

At the Geneva Summit Conference in 1955 I pointed out to the Soviet Leaders that there existed unnecessary restrictions on the flow between us of ideas and I suggest that the barriers which now impede opportunities of people to travel anywhere in the world for peaceful, friendly purposes, be lowered.

In July of 1960 Vice President Nixon touched on this subject with Mr. Kozlov,



S3744

## CONGRESSIONAL RECORD — SENATE

March 14, 1967

Deputy Premier of the Soviet Union, and suggested that the United States establish a consulate in Leningrad with the Soviets establishing one in New York.

When Chairman Khrushchev visited me at Camp David in September 1959, Secretary of State Herter renewed this proposal to Foreign Minister Gromyko and also suggested that a Consular Convention be negotiated. Such a convention was complete and signed in 1964.

I have not changed my belief that such a convention is in our national interest; that it will not impair our national security; that it should enlarge our opportunities to learn more about the Soviet people, and that it is necessary to assure better protection for the many thousands of Americans who visit the Soviet Union each year.

I believe that the distinguished Senator from Kentucky (Mr. COOPER) was the one who raised the question and brought it to the attention of the committee. I do not know whether the distinguished Senator from South Dakota was in the room at that time or not. I was not there, because I had to be elsewhere.

Mr. MUNDT. I was not present at the time either, but I read the hearings. One of the witnesses I could bring into this Chamber—if I could—would be Mr. Dwight Eisenhower, who said he believed it was necessary to remove some restrictions on the flow of ideas. My free-press, free-movement, good-faith reservation, as it is involved in executive reservation No. 1, is a step which moves in that direction.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. MUNDT. I yield myself 5 minutes.

Mr. PROUTY. I am a little uncertain as to the meaning or effectiveness of the first provision in the Senator's proposal.

It states, "To permit the distribution to the Soviet press," and so on and so forth. We recognized that the Soviet Union is a closed society. It also has a censored press. It will accept press releases which it wishes to accept, and it will ignore others. It seems to me that there is no requirement in this first provision that this must be carried out.

Mr. MUNDT. That is correct. There are no guarantees that any of these provisions will be complied with. That is why I say it is a good-faith reservation. If the Soviets comply with them, well and good. If they do not, if they insist on having one set of rules for us and another for them, and insist on a double standard of morality, we can, if we consider the provocation serious enough, take action to abrogate the treaty.

This certainly should be inherent in any good-faith treaty involving consular officers. We think they should have the same right of access to information and the same right of expression in one country as in another. The Senator from South Dakota is just plumb tired of further appeasement, and of just giving in to the Russians every time on the basis that, if we do not do this, they will not go along.

Mr. PROUTY. I wanted to clarify the matter.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. MANSFIELD. I started to make a statement, but it looks as though I am giving it bit by bit. Part of the statement was that we already distribute to the Soviet press, through our embassy in that country, press releases which contain announcements of U.S. policy. We distribute such announcements in Moscow, and the Soviet Embassy distributes such announcements in Washington. Distribution, of course, does not guarantee publication, but the reservation proposed by the distinguished Senator from South Dakota does not represent its publication but only its distribution.

Is that a correct statement?

Mr. MUNDT. The Senator is correct. If that is the right of the embassy, it should be the same right for consular officers. How in the world does the Senator logically argue that what we are asking for, which is something which is provided in the diplomatic relations, would kill the treaty if extended to the consular officers?

Mr. MANSFIELD. Because this is only part of the reservation offered by the distinguished Senator, and he knows it.

Mr. MUNDT. That is correct, and the other part is more significant.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. COOPER. I must return to a committee which has been meeting all day.

Mr. MUNDT. Does the Senator rise to ask a question or to make a statement? I want to know whether he is for or against the reservation, so I can know who should yield the Senator time.

Mr. COOPER. I am against the reservation.

Mr. MUNDT. Without losing the floor, I yield so the Senator from Montana may yield time to the Senator from Kentucky.

Mr. MANSFIELD. I yield 5 minutes or such additional time as the Senator may need.

Mr. COOPER. Mr. President, I wanted an opportunity to speak against the proposed reservations before I return to a committee which is sitting, and of which I am a member.

First, I should like to say to the Senator from South Dakota (Mr. MUNDT) that the adoption of either of his reservations would change the contractual relationship which has been established by this convention and would require its renegotiation.

Before these reservations were proposed, the debate thus far has been directed to the merits of the convention before us. Objections to the convention, such as the fear of espionage, the immunity provision, the most-favored-nation clause, are upon the merits of the convention. I have spoken on these issues in support of the convention.

But the Senator's reservations introduce new propositions, which have nothing to do with the substance or purposes of the Consular Convention.

The first reservation which we will vote on goes, as the Secretary of State stated in his letter to the distinguished majority leader, to a subject which is beyond the scope of the Consular Convention and opens up an entirely new field for negotiation.

We approve the proposition that the United States representatives of the press in the Soviet Union be equal in number to the Soviet press representation in the United States. We desire that they shall have as free access to areas of the parts of the Soviet Union as Soviet representatives have here. But the reservation deals with the question of information which would be properly the subject of new negotiations with the Soviet Union. The reservation simply sidesteps the subject matter and the merits of the convention before us—a convention which I believe is beneficial to our country—and is an indirect way of striking down the convention.

I may not have an opportunity to speak again on the second reservation proposed by the senior Senator from South Dakota, but the same principle is involved.

The second reservation proposes that the Consular Convention will not come into effect until the war in Vietnam is over. Now every one of us wants an end to the war—

Mr. MUNDT. Mr. President, if the Senator will yield, because he is speaking about my reservation, it says until the war there is over or until the Commander in Chief, President Johnson, can advise the Senate that it is not being prolonged solely because the Soviets are supplying arms.

Mr. COOPER. I accept the correction: either that the war is over or that the Soviet Union has ceased to supply arms. I was speaking to the purpose of his reservation.

That the war may be brought to an honorable end is the hope of all of us, and the hope of the American people. But the real question is whether the adoption of the reservation would have any effect at all upon bringing the war to a close or shortening it. I do not think so, and I do not believe that the Senate thinks so.

Neither do I believe that the ratification of the convention will lessen Soviet assistance. Then shall we say from emotion, that we will forever foreclose agreements with the Soviet Union of value to the United States and not affecting our security? Or shall we undertake steps which in time may help avoid the kind of confrontation that we have now in Vietnam?

I would not be so optimistic as to say that this convention will have any immediate influence on the Soviet Union. But the second reservation, based on emotions, could be asserted against any kind of negotiations with the Soviet Union. A function of foreign policy, whether initiated by the Executive or by the advice of the Senate, is to explore, to find out if steps can be taken to lessen tensions, which inexorably, over the years, have brought us into confrontation with the Soviet Union.

This Consular Convention is a small step, but it is a step helpful to the United States.

March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S3745

I simply wish to state again the reasons which lead me to oppose the reservations: First, because they have nothing at all to do with the merits of the convention; second, because I believe they are a method of indirectly killing this convention; and, third, because I think they appeal solely to emotion and have no possible effect on ending the war.

The PRESIDING OFFICER. Who yields time?

Mr. MUNDT. Mr. President, could we have an accounting from the chronicler as to how the time has elapsed so far?

The PRESIDING OFFICER. The Senator from South Dakota has 79 minutes, and the Senator from Arkansas has 73 minutes.

Mr. MUNDT. Remaining, or exhausted?

The PRESIDING OFFICER. Remaining.

Mr. MUNDT. I thank the Chair.

Mr. President, I have promised to yield to some of the others who support the reservation and oppose the treaty, but I do wish to wrap up one phase of this argument before yielding.

As I said at the beginning, on the matter of these reservations we have two issues before us. The first is, Does the Senate really believe that it should have the constitutional power today, so frequently exercised by our great predecessors in the past, to advise before we consent to a treaty?

The second issue is, Do these particular reservations have merit? Do they express the sentiment of the Senate? Do they comport with the convictions of a majority of Senators, or do they not?

I have not started to discuss the second aspect, the merits of the reservation, because I should like to establish, at least from the standpoint and position of the Senator from South Dakota, that the Senate has altogether too frequently in recent years neglected its power of advice; and that if we accept the statements on pages S3580 and S3581, contained in the first flurry of letters which we have received from the Department of State on the subject—three of them, all nestled there together—then we accept the doctrine of this administration, that they do not believe that Senators should ever tinker with a treaty. They can talk about it, they can write letters, they can give advice, but may not incorporate their advice in a reservation or an amendment.

Every Senator, and I believe every schoolchild, for that matter, knows that this is the only kind of advice we can give which is meaningful, which is significant, which is effective. I submit that we should consider that fact long and hard, as this generation of Senators, with responsibility for maintaining the constitutional prerogatives of this august body, before we knuckle under to the argument that—

In treaty making, all the Senate can do is consent or dissent; that advice constitutional provision was for the historians. They just put that in as sort of extra verbiage at the writing of the Constitution in Philadelphia.

Mr. President, many, many times in our history the Senate has exercised this

prerogative of meaningful advice fearlessly, unaffected by arm twisting or importunity, or blizzards of letters. Senators have stood on their own rights, in their constitutional capacity, and have said, "We have the right to advise, and we will write our advice in the treaty, where it counts."

Think of the Connally reservation, and the reservation involving the World Court. Those seven little words that Tom Connally of Texas insisted that we put into that reservation remain there today. It must have served America well, because it has never been removed. It was written by a Senate that had the stamina to act on its own constitutional rights, instead of yielding to the seductive call:

You can say anything you want to, you can pass advice resolutions, you can have expressions of the sense of the Senate, but don't put your advice where it counts—in the treaty as a reservation or as an amendment.

I submit that the Senate ought to decide whether we have some advice function in connection with treaty-making, or whether we do not. Either we are going to timidly and weakly forsake our constitutional prerogative, or we are going to stand up and exercise it.

Whether specific reservations are wise or unwise is a matter of debate. There, certainly, we have a right to disagree; but we should not disagree about our right to offer them, and to have a vote on them, and to have them adopted, and we should not be frightened away from our responsibility by people whose guess—no better than ours—is that if we make a reservation, we kill the treaty. That is one man's individual speculation, Mr. President, and it seems to me it is a great confession of failure on the part of the State Department to say:

Look, if you put a reservation in, we cannot argue very well; we go in half beaten when we start. We have been playing the part of appeasers so long we cannot now function as successful advocates. Do not charge us with another job; we know in advance we are going to fail.

I wish we had a State Department that had more confidence in its advocacy and its abilities than that. I submit that it is unconscionable to say that we should not consider reservations because the State Department indicates that they have not the ability or the aptitude to carry out the wishes of the Senate and the people of America, in trying to bring about a new meeting of minds on treaty issues which are in controversy.

Mr. President, I understand that the Senator from Wyoming [Mr. HANSEN] would like to have me yield him some time, or is it the Senator from Nebraska [Mr. HAVSKA]?

Mr. MILLER. Mr. President, will the Senator yield to me?

Mr. MUNDT. The Senator from South Dakota yields 10 minutes to the distinguished Senator from Iowa.

Mr. MILLER. I thank the Senator from South Dakota.

Mr. President, the pending reservation to the counselor treaty with the Soviet Union provides that there will be no exchange of instruments—in other

words, that the treaty will not take effect—until the Soviet Union has agreed to two conditions, namely:

First, that the United States be allowed to distribute to the Soviet press announcements of U.S. public policy, both foreign and domestic, and answers to any criticism of such policy contained in the Soviet press; and,

Second, that the Soviet Union remove restrictions on the number of U.S. press representatives permitted in that country so long as that number does not exceed the number of Soviet press representatives entering the United States; further, that there shall be no restriction of expression or movement imposed upon our American press corps representatives in Russia which do not prevail for Russian press representatives in the United States.

It will thus be seen that adoption of this reservation will not require renegotiation of the treaty with the Soviet Union, as would be the case of an amendment to the treaty, and that the only thing affected would be the time the treaty would become operative. Once the Soviet Union agrees to the two actions specified, the treaty would go into effect.

The net effect of such an agreement by the Soviet Union would be that the open skies policy advanced by President Eisenhower would be substantially achieved. It is true that the agreement to merely permit distribution of press announcements to the Soviet press would not necessarily mean that they would be printed for the peoples of the Soviet Union to read or hear. However, if there were a calculated effort by the Soviet Union to suppress such press announcements, there would be ways and means found to let the peoples of the Soviet Union know that the announcements had been furnished the Soviet press and that these announcements had been suppressed. Naturally this would cause the peoples to become suspicious of the Soviet press—as some of them already are—and, in the long run, the government would find itself losing support of the peoples who want to read these announcements. It is, therefore, more likely that a substantial number of these press announcements would, in fact, be published.

I do not know of anyone in the Senate who does not wish to see better relations between the United States and the Soviet Union. At the same time, the tensions which have existed between our two governments have been perpetuated because of the failure of the government of the Soviet Union to open its skies so that its peoples may know the facts—all of the facts, and not just those facts or distortions which some government censor sees fit to have printed. It was this realization which prompted advancement of the open-skies policy.

Implementation of that policy has been too long delayed. Now, with the proposal for the United States and the Soviet Union to enter for the first time in recent history into a bilateral treaty, it would seem that now is the time to obtain some action in pursuance of that policy. The Consular Treaty, as now drafted, does not even scratch the sur-

S3746

## CONGRESSIONAL RECORD — SENATE

March 14, 1967

ture as far as this policy is concerned. It has been heralded as a step in easing tensions between our two Governments, but even assuming that it is in fact such a step, the step is so minute as to make it questionable when one considers the negative aspects of the treaty. The limited nuclear test ban treaty was heralded as a step in easing tensions, but the record, since its ratification, indicates that the tensions have increased, rather than decreased. Moreover, the test ban treaty was multilateral, not bilateral.

The leaders of the Soviet Union are quite aware that their agreement to the two points of this reservation would ease tensions between our Governments. Accordingly, if they are indeed interested in easing tensions, there should be no difficulty in their making such an agreement. In short, what this reservation would do would be to really test out the intentions of the Soviet Union. If the Soviet Union meets the test, then we can proclaim that the treaty has served as a meaningful step in the easing of tensions. If the test is not met, then we should not delude ourselves into thinking that the treaty will serve to ease tensions. If anything, it could promote more tensions by causing the leaders of the Soviet Union to conclude that the United States is not particularly interested in pressing for an open-skies policy.

In other words, Mr. President, let those who vote on this pending reservation be under no misimpression. A "No" vote will be a repudiation of our open-skies policy. It will be so interpreted by the leaders of the Soviet Union. My colleagues who are thinking of voting against this reservation may console themselves by saying they have no such intention; but their intentions are not going to govern the thinking of the leaders of the Soviet Union, nor the propaganda which will pour out if this reservation is rejected.

I say to my colleagues: "Are you for an open skies policy? If you are, then your aye vote is essential. If you are not, then vote no, and do not again be heard if the Government of the United States finds its positions distorted or misrepresented in the Soviet press."

Many people who have visited the Soviet Union report that the average person living in the Soviet Union is not a member of the Communist Party, is hardworking, peace-loving, and inclined to be friendly toward the people of the United States. These people in the Soviet Union crave accurate, factual information about the United States. If their Government would agree to the points in this reservation, the opportunities for improved relations with the people themselves would be immeasurably enhanced. Most of us in the Senate have from time to time approved people-to-people programs which bring our people into contact with these people, and it would seem to follow that those who have approved such a policy would support this reservation, so that such a policy would be given an even greater opportunity to become effective.

I hope that this reservation will be supported, and I shall most certainly vote for it.

I thank my colleague for yielding.

Mr. MUNDT. I thank the Senator from Iowa for his very informative and persuasive contribution.

I now yield 5 minutes to the distinguished Senator from California [Mr. MURPHY].

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mr. MURPHY. Mr. President, I congratulate the distinguished Senator from Iowa for pointing out the effect that this measure would have on the open skies policy.

I have listened to the debate for many days. It seems from time to time that we get far afield from the actual facts involved, when we talk in terms of a free press.

It is within the recollection of this Senator that was one of the original conditions agreed to by President Roosevelt when he first recognized the Soviet Government. That condition, along with other conditions—most of which were never carried out—were agreed to.

We are now talking in terms of how free the press is in Russia and how much the people there are permitted to know. I can tell the Senator that I know something about the original cultural exchange.

We sent to Russia a motion picture which they selected. It was called "Grapes of Wrath." That picture depicted, as we know, the unfortunate stories of people in the Dust Bowl. The Russians selected this picture as one of the first that they would like to show.

They then wrote their own forward in which they said that the Grapes of Wrath depicted the highest scale in the social system in America. This was obviously an attempt to propagandize dishonestly. I recognize that happened a number of years ago.

I am told from time to time that the character and conditions have changed. However, every time I look for concrete solid ground to convince myself that there has been change, I do not find it.

I wonder really how much change there has been?

A few moments ago the distinguished Senator from Kentucky [Mr. COOPER] said: "What result will this have on the war in Vietnam?"

I will tell the Senator what effect it will have on the war in Vietnam. The United States made it crystal clear at the very outset that we were going to pursue a firm policy designed to preserve a policy of self-determination as laid down by President Truman, President Eisenhower, President Kennedy, and now President Johnson. I think that possibly the war in Vietnam might never have occurred if it had not been for the Russians. The nations in southeast Asia were afraid. They are weak nations. They stood alone, and until we came in in force, we had been advertised by China as a "paper tiger."

The countries of southeast Asia were told, "America will not answer aggression; they will not defend you." Many doubted whether we would. And our counterpropaganda, for some reason or other never seemed to get our story over.

The result of our firm stand is evident. We heard this story spelled out by the valiant President of the Philippines when he was in this country. He pointed out to us that when the people of southeast Asia realized that America was serious about protecting the small nations from aggression, from being overrun, and from having this atheistic ideology imposed upon them, they began to take heart, to have new hope.

If you look deeply enough into our international problem in France, you will find that one of the basic reasons for this problem was stated by Charles de Gaulle many years ago:

My valiant friends the Americans have suggested a knife with which I may defend myself, that has neither a handle nor a blade.

Why? Because he felt left out of the control of the use of atomic weapons; and he did not believe that, if the necessity arose, we would come to the protection of France. He doubted our pledge. This was the basis of the problem, going back some years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUNDT. I yield 2 additional minutes to the Senator from California.

Mr. MURPHY. The Senator from Kentucky has said that the ratification of this treaty will have no effect on the war. On the contrary. Many fail to comprehend why we are contracting with Russia when at this very moment, the Russians supply North Vietnam with the tools of war used against our forces. I am afraid that the gains and advances that have been made in the last year and a half or two years will be for naught. The tensions that we speak of in the Senate will be nothing as compared with the tensions that will build up through southeast Asia—in Pakistan, Cambodia, Laos, Thailand, Indonesia, and clear across to the Philippines, if our commitment is not clear. That is why the President of the Philippines came to this country. He is concerned.

We are the beacon and defender of freedom. We are in a position now to deal not from the standpoint of appeasement. We have done so, in my memory, for 30 years, and it seems that our troubles increase. The more we accommodate, the more the opposition demands and asks for.

I say that this is the time—I believe this truly, and I agree completely with the Senator from South Dakota—when America should say that for once we will make the conditions. We will say that this agreement will be a completely two-way street—and please God that it does turn out to be a two-way street. But it must be on quid pro quo; it must be on an even basis. And we must not under any circumstances allow our valiant allies in southeast Asia to suspect for one moment that we have changed our determination, as expressed time and time again by the President of the United States, to resist aggression and to preserve the right of self-determination.



March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S3747

This is a poker game, you might say, but it is a very important one, and at the present time we should stand pat.

The suggestion of the distinguished Senator from South Dakota is a good one. It will strengthen this treaty and make it more palatable, and certainly will continue to give hope to our valiant allies that America has not changed its policy, that we are still determined that the free nations of the world shall have the right to determine their own policy for the future.

I thank the distinguished Senator from South Dakota.

Mr. MUNDT. I thank the Senator from California for his very helpful remarks, for his valiant support, and especially for moving this debate back on target, which was essential because of the colloquy engaged in by the Senator from Kentucky, who spoke about espionage, immunities, and the number of consulates.

As anyone who has followed this debate in the Record or in the newspapers must by now realize, the main focus of opposition on the part of those of us opposing ratification of the treaty has to do with the protection of Americans. But we believe that we should give more heed to the protection of 500,000 Americans in South Vietnam than to the 9 Americans, on the average, who get into trouble while visiting Russia. It is a rather startling comparison.

If 18,000 people are fortunate enough to have the wherewithal, the means, and the time to travel in Russia—and I am glad they can do so—and if 9 of them get in trouble, we should try to protect them. You can read the letters from the State Department in the Record and you can see that that is all that is contemplated—to try to protect those who get in trouble. The fellow who does not get in trouble does not have to be protected. Nine of them get in trouble annually, so we are going to protect them—a curious kind of protection by the way which provides that they can notify their relatives and the State Department that they are in the hoosegow, and the consular officer can come in for a visit.

However, when it can be demonstrated, as I for one believe, that by doing that you lessen the protection of 500,000 young Americans who are not traveling in Vietnam for pleasure or profit—who do not have the good fortune to visit Russia but have the misfortune to be up to their navels in the slime and the mud of the boondocks of Vietnam, fighting for freedom—you have to balance in your own mind, before you vote, just which group of Americans you are interested in protecting, because there is a contradiction there. When you enhance this protection for the one group, you reduce it for the other.

We had better examine the relationship of this treaty to East-West trade and the rest of the program, before we finally vote.

Mr. President, I am happy to yield such time as he may desire to the distinguished Senator from Wyoming.

Mr. HANSEN. I appreciate the courtesy of the Senator from South Dakota

in permitting me the opportunity to speak briefly on this subject.

I am deeply concerned about the consular treaty, because, in my judgment, it represents one of the most important votes that I will cast in the Senate. I hope that I may arrive at the correct decision. It will be a difficult decision to come to, because I realize that on both sides of the aisle are Senators equally as sincere as am I, who are examining their consciences and attempting to determine how best to advance the interests of our great country and to protect its citizens.

Much has been said about our concern for the 18,000 Americans in the Soviet Union and our interest in attempting to protect them. The Senator from South Dakota has pointed out that all of the 18,000 Americans who were in Russia last year were there of their own volition. Undoubtedly, a number were members of the business community, who were attempting to advance their own personal economic interests. Nevertheless, I subscribe to the opinion, held almost universally in this country, that we should protect our citizens wherever they may be. However, I do not believe that we can separate, on the one hand, a consideration of the ratification of the consular treaty with, on the other hand, the overall impact such ratification may have on the war in Vietnam.

In this context, I should like to read from the January 16, 1967, issue of *Baron's* magazine:

Last October the President held out the prospect of a whole network of bridges to the Red countries, including the Soviet Union: "Our task is to achieve a reconciliation with the East—a shift from coexistence to peaceful engagement. We seek healthy economic and cultural relations with the Communist states." Specifically, he announced: 1) clearance for the Export-Import Bank to guarantee commercial credits for Czechoslovakia, Hungary, Poland and Bulgaria; 2) the Bank's readiness to finance export of American equipment to a large Soviet auto plant which Italian Fiat will build; 3) imminent decontrol of certain commodities for sale to East Europe.

Six days later some 400 items previously barred from export to the Soviet bloc without special license—including metal manufactures, machinery and chemical products—were expunged from the Commerce Department's Commodity Control List.

We all know that only a few years ago, 47 percent of the labor force of Soviet Russia was tied down on the farms of that country to provide the food and fiber required by the Soviet people. Compare that with the situation in our country. At that same time, only 8 percent of our labor force was involved in providing what we required in this country. Eight percent of our American labor force not only did this job; they produced more than we could consume, adding to our surpluses.

I contend that if we assign the proper priorities to this treaty consideration, which I think is our first responsibility as Senators, it must be to consider it in the light of our overall world involvement at the present time. To my mind, there can be no question that the early conclusion of the war in Vietnam is our number one concern.

I submit that anything we do which will strengthen Soviet Russia will make that country better able to supply war materiel to the Vietcong and to the North Vietnamese people, and will militate against the best interests of this country.

I believe we cannot ignore the fact that if we make it safer and make it more easy for Americans to travel in the Soviet Union, we may reasonably expect more businessmen from the United States to go to Soviet Russia, and to other satellite countries, as well, to enter into business contracts with those nations to provide the people behind the Iron Curtain with goods and services and products that will relieve them of the responsibility they presently have, and enable them, thereby, to make a greater contribution to our enemy in Vietnam.

I am concerned about the 18,000 Americans in Soviet Russia. I am concerned, despite the fact that they have gone there of their own choice. But I am more concerned with the fact that we have between 415,000 and 500,000 Americans in Vietnam who, for the most part, are not there of their own volition, but are there to protect our country and to support our flag.

That we should consider the care and better protection of 18,000 American tourists, when that effort runs counter to more complete protection of our servicemen in Vietnam, goes against my grain.

Mr. President, I do not know yet how I shall vote on all of the reservations, on all of the understandings, or on the consular treaty itself, but I must say that if I can judge the temper of the people of my State correctly—and I came through a campaign there only last fall—I am certain of one thing: The people of Wyoming are more interested in bringing the war in Vietnam to a satisfactory conclusion as quickly as possible than they are in anything else. I hope that the time will soon come when that conflict has been resolved satisfactorily in the interests of this country; that we may then further display our good intentions to all of the world, including Soviet Russia, to say to them, "We will build these bridges, we will demonstrate our concern for humanity wherever it may be; we will try to contribute to the reasonable realization of the aspirations of peace everywhere, and we will work for peace." But I cannot believe on the basis of what I now know that the ratification of this treaty by the Senate, and the attendant acts that are sure to follow will advance the interests of this country. Rather, I think they will make more difficult our task in Vietnam.

I thank the Senator.

(At this point Mr. HOLLINGS took the chair.)

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. MUNDT. Mr. President, first I wish to congratulate the Senator on a powerful presentation of the basic issues involved in this discussion.

Certainly the Senator's argument is sound and persuasive with respect to the 18,000 Americans traveling annually in Russia voluntarily, because of their good

S3748

## CONGRESSIONAL RECORD — SENATE

March 14, 1967

fortune or ample means, so that seeking pleasure or seeking profit they are privileged to be there; and to compare them in this fifth year of the war, as he has done, with the 500,000 Americans in Vietnam, who are there not because they prefer to be there, who are not there because of pleasure or profit, and who are not there because they have the wherewithal to be there, but because it is their responsibility as men in uniform to go where the Commander in Chief sends them. I would hope that we might compare another statistic.

If we accept the word of the State Department, between 8½ and 9 percent of those who go to Russia annually get in trouble. Let us say that the figure is nine out of 18,000. The figure speaks well for the good behavior of Americans, and it does not speak too badly for the attitude of the Russians in arresting people unnecessarily. I suspect that a larger proportion of American tourists traveling in the States would get in trouble. Let us, however, use the figure of nine.

We are asked to take this venture into the deep blue yonder with an unprecedented treaty to give the nine people what some believe to be protection, which to me is not protection at all since it does not go to the cause of release or freedom, but simply goes to the right of notification and consultation.

We should be aware of the fact that against those nine who get in trouble in Russia every year, more than nine American boys are dying in Vietnam every day solely because of the arms supplied by Soviet Russia. Perhaps we do not think enough about that statistic. Perhaps we do not think about that comparison. Maybe we should now be thinking about those servicemen we should be trying to protect instead of spending weeks, and almost months, debating a treaty which, at best, cannot do much for many. We might be better off, in my opinion, debating various alternatives confronting us and trying to bring this war to a quicker end successfully, instead of doing something which in his heart every Senator knows is but to give encouragement and a greater opportunity to the Soviets to send their torrents of arms, as they are now doing, to Vietnam to prolong the war.

I salute the Senator from Wyoming for bringing this point to our attention so graphically.

I now yield to the distinguished Senator from Nebraska, a coauthor of the pending reservation.

Mr. HRUSKA. Mr. President, it was with much interest that I listened to the majority leader advance his position regarding the scope of the powers and duties of the Senate with respect to treaty-making.

Advice and consent, according to the Macomber letter, is, apparently, "Yes" or "No." That does not comport with the history of the Senate in its consideration of treaties. Nor was this limited area for action ever contemplated to be the Senate role. In fact, until the last few days before the Constitution was agreed upon, it was proposed that the Senate

would enter into treaties; the President was to have carried them out.

That is borne out by the history of the treaty-making power, section 2, clause 2, of article II of the Constitution, dealing with the executive department. I refer to volume 39 of the Constitution of the United States of America annotated. Clause 2 reads:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provide two-thirds of the Senators present concur.

No one disputes the fact that it is for the President to negotiate treaties. The negotiation of treaties is an Executive monopoly.

But the Senate has several options available in performing the functions delegated it by the Constitution. It may consent unconditionally to a proposed treaty, it may refuse its consent, or it may stipulate the conditions in the form of amendments to the treaty or of reservations to the act of ratification. The distinction between these last two alternatives is simply that an amendment, if accepted by the President and the other party or parties to the treaty, change it for all parties, while reservations limit only the obligations of the United States thereunder.

The act of ratification for the United States is the President's act, but he may not ratify unless the Senate has consented to it by the required two-thirds of the Senators present, which signifies two-thirds of a quorum. Otherwise the consent rendered would not be that of the Senate as organized under the Constitution to do business.

Conversely, the President may decide to abandon the negotiation, if dissatisfied with amendments affixed by the Senate to a proposed treaty or with the reservations stipulated by it to ratification. He is entirely free to do so.

Most of what I have just said is set forth in Volume 39 of the Constitution of the United States annotated. A number of authorities are cited there to support that interpretation and description of the practice.

The statement of any member of the Department of State that the adoption of any particular reservation would result in killing the convention is a speculation to which he is entitled, if he so chooses. However, it is an area for his speculation only. It is not his province to advise or consent. We can also imagine that Members of this body should be somewhat constrained regarding the wisdom of entering into a treaty which, in their solemn judgment, they think would be harmful and detrimental to the position of this country and to the safety and freedom of its citizens.

The Senator from South Dakota has stated the premise very well. When we get emotional about 18,000 people traveling in the Soviet Union and say that we want to extend them every protection possible, we should also have some consideration for the 500,000 boys who will shortly, or before the end of this war, very likely be engaged in battle in Vietnam, the continuance of which is made possible by the other party, on the enemy

side contributing weapons to the war; namely, the U.S.S.R.

Accordingly, I believe that in that context, what we are doing here is proper. Certainly, the reservation is good.

It is quite an observation to make, in the letter from Mr. Macomber, that this reservation would destroy the Consular Convention. His letter parallels the letter signed by the Secretary of State which was read on the floor this afternoon for the first time, that—

The Consular Convention is an instrument regulating the status and functions of consular personnel. It would destroy its usefulness for that important purpose if we attempted to use it as a vehicle for remaking Soviet society, however desirable it seems to us that steps should be taken in the USSR to make it a free society.

So, what are we to do? Must we cast the treaty in such a fashion that the Soviet Union will want it? We are charged with making concessions. We are told that we are supposed to accommodate. We must refrain from provocative actions and give a monopoly on all of these actions to the other side.

Mr. MUNDT. Mr. President, will the Senator from Nebraska yield at that point?

Mr. HRUSKA. I do not believe in it. I do not believe that we should let this opportunity go by without speaking up for the substance of the reservation which the Senator from South Dakota has drafted and which he now advocates.

I am happy to yield to the Senator from South Dakota.

Mr. MUNDT. The Senator is a distinguished lawyer and a constitutional student. He is also a member of the Committee on the Judiciary. I am, therefore, happy indeed to listen to his analysis of the constitutional function of the Senate as intended by our constitutional fathers in connection with treaty-making.

If we accept the doctrine contained in the three State Department letters, it would be applicable to any treaty, at any time, and would mean that from here on in, treaty-making would be exclusively an executive function, that the Senate could assent or dissent but, from the standpoint of providing meaningful advice, that constitutional right would be denied to us.

I think that the Senator has read into the Record some important documentation in that connection, and I thank him for it.

Let me ask this question about the point to which he alluded at the end, when he quoted from the Macomber letter, to the effect that the treaty deals with the functioning of consular offices. What could deal more directly with the functioning of consular offices than the proposed reservation in which the distinguished Senator from Nebraska and I have joined, which would guarantee on both sides of the water the same rights of action, movement, contact, and reporting, and which would guarantee to their press attachés and other representatives of the press the same freedom of movement, the same freedom of expression, the same freedom from being banished from the country if they said some-

March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S3749

thing which the government did not like, on both sides of the water?

It seems to me that if we are going to extend the unprecedented function of the right to murder, steal, and sabotage with complete immunity, it certainly is not novel or startling that we should also ask for these normal procedures incorporated in our reservation to be incorporated in the treaty which would guarantee reciprocal action on both sides of the water.

Mr. HRUSKA. If it is true, as has been said, that there is reciprocity as to the number of press representatives we have in the Soviet Union as compared with those who are here, and if it is true that there are no greater restrictions on travel on the part of our press representatives there than there is on their press representatives here; if this is all true, would not adoption of this reservation be a reasonable ground for the Soviet Union to say, "We want no part of it. It is true that we are granting reciprocity in numbers and travel but you have put it in the reservation and, therefore, we do not want any part of the Consular Treaty"?

Mr. MUNDT. The Senator states the issue very well. It is incomprehensible to me how the State Department can have it both ways, arguing in the one instance that we are going to get this now and the Soviet Union has just got to operate on that basis; and arguing on the other hand that if we put this reservation in the treaty, if it is insisted upon, it will be a device for killing the treaty and that the Soviet Union will then reject the whole treaty. The Department of State is perfectly proper in arguing one point or the other, but when it constantly contradicts itself in its viewpoints, it seems to me it simply demonstrates the flimsiness of the whole attack upon our reservation. Obviously the State Department cannot have it both ways.

Mr. LAUSCHE. Mr. President, will the Senator from South Dakota yield?

Mr. MUNDT. I yield.

Mr. LAUSCHE. I have not been able to listen to all the arguments made on behalf of the reservation. Do I correctly understand that the purpose of the reservation is to establish an agreement under which the freedom of the press that will be allowed Russian newsmen and diplomatic attachés in the United States must also be given to our newsmen and our attachés in our consular offices in the Soviet Union?

Mr. MUNDT. Precisely. No more and no less; just as the provisions of the consular treaty provide an exact quid pro quo in the consular offices under both flags. We see no reason to treat newsmen any differently from the rest of our Americans over there.

Mr. LAUSCHE. The rest of the reservation provides that while the United States will allow Russian newsmen and attachés in consular offices all the freedom allowed in the United States as to written and oral expressions, the United States should also be given that same right within Russia; is that not correct?

Mr. MUNDT. The Senator is exactly correct. We have granted those permissions, and I am sure will continue to

grant them, to the Russians over here. We simply cannot see why the Department of State insists on having a different standard of morality for our people over there, when we can put that provision in this treaty, where it will fit like a glove fits a hand. This is particularly so when we are cranking into other parts of the treaty, for the first time in American history, complete immunity.

Mr. LAUSCHE. In other words, unless the reservation is adopted, we are saying to Russia, "You can come to the United States with your consular officers and enjoy all the freedoms of the press and speech," while we will be yielding to restrictions in the exercise of those qualities of speaking and writing.

Mr. MUNDT. Not only that, but the Senate is now being called upon, in a roll call vote, to extend this advice, and the State Department will also be saying that we are advising that no reciprocity be created on these matters between the two countries. So we will be accessories to an agreement of appeasement if we accept this Consular Convention without reservation.

Mr. LAUSCHE. The next is a simple question, and it may answer itself as I put the question. What is the justice and propriety of allowing the attachés and publicity agents of the Russian consular offices in the United States to exercise full freedom of speech and writing while we agree to be restricted by the practices of the Communist dictatorship in Russia in what our consular attachés and publicity men might say to the Russian people?

Mr. MUNDT. Certainly, I can see no justice in it. I do not know how it occurred. I suspect that our negotiators at the treaty negotiating table simply did not have the determination and the drive and the positive convictions to insist upon this quid pro quo, on the basis, as the writing in the letters which have been referred to has shown, that we do not have the capacity or persuasive power to get the Soviet Union to agree. I gather this is what must have occurred at the conference table earlier, from what they send us in their letter writing now.

Mr. LAUSCHE. The reservation offered by Senators MUNDT, DOMINICK, and HRUSKA provides that the treaty shall be approved subject to the understanding that the Union of Soviet Socialist Republics shall agree:

(1) to permit the distribution to the Soviet press or any segment thereof by United States diplomatic and consular officers of announcements of United States public policy, both foreign and domestic, and answers to any criticism of such policy contained in the Soviet press.

Is that the first condition?

Mr. MUNDT. That is exactly the first clause of our reservation.

Mr. LAUSCHE. In other words, the authors of the reservation ask that the U.S. officers be permitted to tell the Russian people our position at the same time that the Russians are permitted to us the privilege of free speech and free press in the United States to either condemn our policies or attempt to destroy them?

Mr. MUNDT. The Senator is exactly right. It calls for complete reciprocity on both sides of the water.

Mr. LAUSCHE. It is more than reciprocity. It is equality of the application of the right of free speech.

Mr. MUNDT. I think that is a better word—equality of rights and privileges on both sides of the water.

Mr. LAUSCHE. The second condition of the reservation is that the Russians shall agree "not to impose or enforce any limitation on the number of U.S. citizens permitted to be in the Soviet Union at any time as representatives of the U.S. press which would effectively reduce them below the number of Soviet press representatives entering the United States."

Is it the purpose of this second condition to establish an equality in the right of sending press representatives to Russia by the United States and by Russia to the United States?

Mr. MUNDT. Yes. Of course, the Senator did not conclude the clause, which also contains the words "or to impose upon them any conditions of travel or objective reporting which do not prevail for Soviet press representatives within the United States."

Mr. LAUSCHE. That is the last clause.

Mr. MUNDT. Yes.

Mr. LAUSCHE. That it shall also agree to objective reporting, and not impose on them conditions which do not prevail for Soviet press representatives within the United States.

Mr. MUNDT. That is correct.

Mr. LAUSCHE. The substance of what the three Senators whose names I have mentioned are trying to do is give the United States the same opportunity, through free press and free speech, to reach the Russian people, in telling them of our economy and our social progress, as we give to the Russians, through our constitutional rights, the right to tell our people what they have done and allow them to tell what is wrong with our system of government.

Mr. MUNDT. The Senator summarizes the purpose of our reservation with complete and total cogency. He is totally right.

Mr. LAUSCHE. Free speech has been the primary argument in most of the cases that have gone to the Supreme Court. Free speech is blessed above every other right in the United States.

Mr. MUNDT. That is correct.

Mr. LAUSCHE. The reservation offered by Senators MUNDT, DOMINICK, and HRUSKA deals with free speech, and nothing else. Am I correct?

Mr. MUNDT. That is correct—free speech and free movement.

Mr. LAUSCHE. It is anomalous that we talk about the right of free speech as being the primary right under our Constitution, and yet when we attempt to ask the Russians to give our attachés and diplomats the right of free speech, just as we give it to their representatives, in this country a howl is raised against the proposal.

Mr. MUNDT. I thank the Senator very much for a significant and helpful contribution.



S 3750

## CONGRESSIONAL RECORD — SENATE

March 14, 1967

Mr. President, I should like first to inquire how much time remains, and then ask for the attention of the majority leader to see whether we are nearing the end of the debate.

The PRESIDING OFFICER. The Senator from South Dakota has 22 minutes remaining; the Senator from Arkansas has 63 minutes.

Mr. MUNDT. I reserve the remainder of my time, because we have consumed most of our time. I shall wait until we hear what the other side has to say.

Mr. SPARKMAN. Mr. President, I yield 10 minutes to the Senator from Oregon [Mr. MORSE].

Mr. MANSFIELD. Mr. President, will the Senator yield, first?

Mr. SPARKMAN. I yield.

Mr. MANSFIELD. Mr. President, how much time does the Senator have left?

Mr. MUNDT. Twenty-two minutes.

Mr. MANSFIELD. Does the Senator intend to use all his time?

Mr. MUNDT. Depending on what the other side says, we are prepared to summarize in 10 or 15 minutes.

Mr. MANSFIELD. After we hear from the Senator from Oregon and the Senator from Pennsylvania, I think we shall be prepared to yield back the time.

Mr. SPARKMAN. That is a possibility.

Mr. MORSE. Mr. President, as we consider reservations to the Consular Convention, I would like to call the attention of Members of the Senate to an editorial in the March 10 New York Times and point particularly to three points made in the editorial.

The first point made by the Times editorial is that—

When the Senate adds amendments or reservations to a treaty, it is unilaterally changing the terms of a settled bargain. The practical effect of such action is really to reopen the negotiations and force the other party or parties to re-examine their previously offered approval.

Throughout this debate there has been the implication that Russia is very anxious for the consummation of this treaty. That is not the case. This treaty is the result of U.S. initiatives. Russia will take the position that she entered into a bargain with our negotiators, and she is willing to go through with that bargain, but if we want to attempt to re-write the treaty, that is the end of the bargain; we will be the losers, and not Russia.

The second point, made succinctly and directly in the Times, is that—

The reservations proposed by the treaty's foes are irrelevant and unquestionably offered in hopes of making that agreement unacceptable to the Soviet Union.

Finally, the Times editorial observes that—

The Consular Convention, which would benefit this country much more than it would Russia, deserves approval or defeat on its own merits. It should not be sandbagged by parliamentary trickery.

I think the use of the word "trickery" in the editorial is most unfortunate. I think the statement would have been true if they had said "parliamentary tactics." But, Mr. President, one never knows what motivations are; you have to be clairvoyant to know motivations.

However, the editorial is correct with respect to the fact that there is a great deal of parliamentary tactic involved in the offering of these reservations.

I ask unanimous consent to have the full text of the Times editorial, entitled "Treaties and the Senate," inserted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

## TREATIES AND THE SENATE

Proposals in the Senate this week that reservations be attached to both the space treaty and the Soviet-American consular convention resurrect an old, recurrent and destructive constitutional problem.

It was George Washington who first had to wrestle with the dilemma created for a President when the Senate approves a treaty conditionally. Amendments and reservations added during Senate consideration of the Treaty of Versailles in 1919-20 played a key role in Woodrow Wilson's great defeat on the League of Nations.

A treaty is a contract negotiated by the executive branch with the government of one or more other countries. In the process there is normally hard bargaining and the final result usually represents a compromise in which everyone has made concessions. Thus when the Senate adds amendments or reservations to a treaty, it is unilaterally changing the terms of a settled bargain. The practical effect of such action is really to reopen the negotiations and force the other party or parties to re-examine their previously offered approval.

Every time the Senate exercises this privilege, it necessarily casts doubt upon the credibility of the President and his representatives, and weakens the bargaining power of the United States in the international arena. The Senate's power to do this is unquestioned, but it is equally unquestionable that this power is best used only to express the gravest of concerns, especially in a period of crisis such as is posed by the Vietnam war and efforts to end it.

Senator Gore's complaints about the fuzziness of some of the space treaty's language have considerable warrant, but the problems involved are scarcely weighty enough to endanger the treaty itself—and the historic benefits it promises—through the adoption of formal Senate reservations.

On the consular convention, the reservations proposed by the treaty's foes are irrelevant and unquestionably offered in hopes of making that agreement unacceptable to the Soviet Union. The tactics Senator Mundt and his allies are adopting amount to confession that they cannot halt two-thirds approval of the convention as it stands, and must therefore resort to subterfuges.

A victory for this maneuver would give Moscow an opportunity to accuse the United States of bad faith and thus cast a dark shadow over the negotiations now in progress on other imperative issues. The consular convention, which would benefit this country much more than it would Russia, deserves approval or defeat on its own merits. It should not be sandbagged by parliamentary trickery. Yesterday's initial votes on the treaty provided basis for optimism that it will not be.

Mr. MORSE. I shall also ask unanimous consent to have printed in the RECORD three other stories from the Washington Post.

The first is a column by Marquis Childs which appeared in the March 13 issue of the newspaper, entitled "Treaty Fight Threatens Détente." Mr. Childs observes that—

Implied in the Mundt reservation, if the intent is sincere and not merely a maneuver to kill the treaty, is the belief that it can be a lever to compel the Soviets to stop their aid to North Vietnam and get the North Vietnamese to the peace table. It could, under no circumstances have that result.

The second Washington Post story to be included in the RECORD appeared in the March 12 issue under the headline: "United States, Russian Moves Show 'Mutual Restraint'." The article is by Murrey Marder. He notes that by allowing Buel Ray Wortham to leave the Soviet Union the Soviets have broken a precedent and have thus shown a willingness to follow a policy of what might be called mutual example, mutual prudence or mutual restraint designed, as is the consular convention we are considering, to dispose of unnecessary irritations and to avoid confrontation on minor disputes.

The third story I would like to insert in the RECORD is from the March 13 issue of the Washington Post. It needs no explanation, for the headline tells the whole story in one sentence: "Right-wing Triggers Paper Blizzard To Smother Consular Pact."

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, the three stories from the March 12 and 13, 1967, issues of the Washington Post to which I have referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. MORSE. The articles I have just asked to have printed in the RECORD, constitute, in broad outline, the framework of my opposition to the reservations and my support of the treaty. Throughout this debate there has run, on the part of the proponents of the reservations, and particularly of the one now pending, an irrelevant argument; namely, the argument that "We ought to adopt this reservation because Russia is aiding the North Vietnamese in South Vietnam."

If there was ever an irrelevancy, that is it. Does anyone really think that our turning down this treaty, or adopting a reservation that will assure its non-acceptability, will save the life of one single American boy in Vietnam?

Mr. President, I thought that what we were trying to do, in part, outside of any connection with this treaty, was to try to work out a basis for negotiation, eventually, with the Russians and other countries, so that we can finally reach a negotiated settlement of the shocking, unjustifiable war into which we have sent, without the slightest justification, these American boys to be killed.

They would not be killed if we did not have them over there. If we are really interested in saving those boys—and I am—I say, "Bring them home." But it is inaccurate to assume, or imply, that the negotiation of this treaty is going to kill more of them. I submit there is no cause-to-effect relationship for that argument whatsoever.

Mr. President, we are following a course of American occupation in south-east Asia, and continuing to follow a course of American escalation of the

March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S3751

war, although the President is trying to tell us he is not escalating it. We are escalating it today; and every day and every hour of the escalation, we are killing increasing numbers of American boys, on the theory, I suppose, that we will continue to do that until we kill enough of the enemy so that finally we may force a surrender, if China and Russia do not come in.

I thought, Mr. President, that what we were sincerely trying to do was to explore all the possibilities of finding a basis for negotiation, in order to bring to an end this war. But if we think we are going to do it, and have peace, on the basis of American bilateral negotiations, we could not be more mistaken. For when peace is established over there, it will be a peace established through multilateral intervention, not unilateral dictation by the United States to the enemy. Truce, yes. Surrender, yes. I think we can force those two things. But that will not give us any peace. It will only mean that we are going to kill American boys in Asia, in my judgment on a much larger scale, when it breaks out again in 10, 15, or 25 years.

So I say that if we are really interested in trying to establish a world order where we shall have some chance of working out negotiable arrangements with Russia in the future, we should not vote to add a provision to a treaty with Russia on a consular matter, which has nothing to do with the war, making it inoperative until Russia stops giving any aid to North Vietnam and the Vietcong. Anyone who thinks that is going to stop the aid could not be more mistaken. In fact, as we drive ourselves further from Russia, and isolate ourselves further, we shall increase the tensions and misunderstandings, and we will end up killing more American boys rather than saving them, as we continue to defend the inexcusable war activity of the United States in an area of the world where we never should have been involved in the first place.

So, Mr. President, in the interest of our trying to improve the chances of reaching a negotiable relationship with Russia, I shall vote against the reservation of the Senator from South Dakota. The main argument that is used over and over again, which he has tried to bring into this debate—the argument that if we approve of this treaty on the basis that it is being presented, we are letting down the boys in South Vietnam, is completely irrelevant.

I again say most respectfully, respecting the sincere views of those who hold views contrary to mine, that the American boys are being killed because we are furnishing the money to the President and supporting a wrong foreign policy. That is what kills them.

If we stop giving the money to the President, he will have to stop the killing.

## EXHIBIT 1

[From the Washington Post, Mar. 13, 1967]

## TREATY FIGHT THREATENS DÉTENTE

(By Marquis Childs)

It is entirely possible that the first small steps toward a slackening of the cold war can be blocked. Powerful forces motivated by fear, suspicion, the built-in interests of the

arms makers and a genuine concern that any move toward closer relations with the Communist bloc can help to undermine American forces in Vietnam are hard at work.

One of these steps is the Consular Treaty with the Soviet Union. That a step so small can raise even the slightest doubt and suspicion, however generated by the professional cold-war warriors, is an indicator of the trouble ahead for more meaningful steps in the future. For the treaty which provides a framework for enlarging at some future date the diplomatic exchange between the two powers has a symbolic rather than a real value.

That is the point Sen. Thruston Morton (R-Ky.) has consistently hammered away at in his determined effort to line up at least two thirds of the 36 Republicans in the Senate. He has been confident of perhaps 26 or 28 votes for ratification, which would have provided the necessary margin. The prediction was for a comfortable total of 67 or 66, which with some absentees would have been enough.

But there are more ways than one to skin a cat and kill a treaty. Sensing defeat on an outright vote, the diehards are trying to gain their end by the amendment and reservation route.

Sen. Karl Mundt (R-S.D.) calls for a reservation providing that the treaty shall not come into effect until one or both of two conditions are met; first, that the President advise Congress that there is no longer a need for United States forces in Vietnam; second, that the Senate be assured that furnishing war material to North Vietnam is not delaying or preventing the return of American troops from Vietnam.

This ties the treaty to the deeply emotional issue of a half-million Americans pinned down in Vietnam and the fact that Red China and the Soviet Union provides the sinews of war. It was designed to look like an out for those who might want to vote for ratification and yet get in the clear on Vietnam.

But again Morton has been unequivocal. A vote for such a reservation—really for any substantive reservation or amendment—is a vote to kill the treaty. It would have to be renegotiated and this the Soviets would refuse to do. The United States had delayed action for nearly three years since the treaty was first agreed to.

In this first small effort at bridge-building with Eastern Europe there are many contradictions. Implied in the Mundt reservation, if the intent is sincere and not merely a maneuver to kill the treaty, is the belief that it can be a lever to compel the Soviets to stop their aid to North Vietnam and get the North Vietnamese to the peace table. It could under no circumstances have that result.

Morton and others who have worked so hard for ratification see this as putting the cart before the horse. If small steps such as the Consular Treaty can be taken, in coming months Moscow will be more willing to help bring about a settlement in Vietnam. There is no guarantee of this, yet it is at least a probability.

Much of the opposition to the treaty in the debate in the Senate has been a rehash of past frictions and old quarrels. Sen. Thomas J. Dodd (D-Conn.) went back to the coldest days of the cold war in 1948 to retell the case of Madame Oksana Kosenkina who defected from the Soviet consulate in New York and was gravely injured when she leaped from a window to escape her captors. While Dodd's office insists that only his own staffers helped prepare the speech, it has the stamp of Julien Sourwine of the Internal Security subcommittee, which is Dodd's private preserve.

As with all such international obligations self-interest must be the primary consideration. The hope of stopping yet another and

fantastically costly round in the nuclear arms race is the self-interest in this instance. And time is running out. For the Soviet Union the obvious self-interest is to strengthen ties with the West as the threat of conflict with Red China grows.

The blame if failure overwhelms this first step will be widely disputed. Morton and other Republicans who have worked hard for ratification believe the Johnson Administration has not done nearly enough to bring around the waverers on the Democratic side. But, however murky the areas of blame, the consequences will be clear enough. Doom for this symbolic action will spell doom for the other and larger measures that can abate the spiraling arms race.

## EXHIBIT 2

[From the Washington Post, Mar. 12, 1967]

## UNITED STATES, RUSSIAN MOVES SHOW

## "MUTUAL RESTRAINT"

(By Murrey Marder)

Within 24 hours the United States and the Soviet Union have displayed the dual policy of restraint that cushions their tensions in the Vietnamese war.

Washington passed up an opportunity it would have leaped upon with zest just a few years back:

To parade the defecting daughter of dictator Josef Stalin in the citadel of capitalism as a prize acquisition of the Cold War.

Instead, with diplomatic delicacy, Svetlana Stalina has been turned over to the most discreet hosts for political asylum, neutral Switzerland.

Unless the Soviet Union for reasons not now discernible to American officials chooses to make a major international incident of her case, the United States intends to treat it with discretion.

Moscow has demonstrated its own restraint in a lesser affair that had its own quotient of international irritability. By allowing Buel Ray Wortham of North Little Rock, Ark., to go free with a \$5555 fine instead of a three-year labor camp sentence, the Soviet Union broke a precedent too.

Speculation abroad that there was a direct cause-and-effect relationship between the two cases was totally dismissed by American officials. They pointed out that Wortham's release has been "in the cards" for weeks, if not months before Miss Stalina's appearance.

But what does tie together these two cases and others like them, is that they do represent a very significant, but unwritten, policy being carried out on an ad hoc basis by the two nations.

The Russians, back in the day of Premier Nikita S. Khrushchev, named it "a policy of mutual example." Secretary of State Dean Rusk sometimes calls it a policy of "mutual prudence," or "mutual restraint."

No one, in Moscow or Washington, knows what the actual limits are on this imprecise policy, nor how long it will last—or even exactly when it will work and when it will not work.

It could blow apart tomorrow. In fact, just as the United States and the Soviet Union were each showing unusual courtesy to each other's interests in the Svetlana and Wortham cases, each probably had a wary eye on what was happening just then in Vietnam.

The United States was engaged in a round of air attacks on North Vietnam's biggest steel fabricating plant. North Vietnam, highly dependent on the Soviet Union for its sophisticated war equipment, is likely to invoke those attacks as greater justification for the Kremlin to supply it with more powerful weapons of defense.

The Soviet Union, as the most powerful Communist nation in the world, cannot, even if it wanted to do so, easily shrug off such demands from a fellow Marxist nation and still maintain its claim to Communist leader-

S3752

## CONGRESSIONAL RECORD — SENATE

March 14, 1967

ship. At its heels, Communist China is constantly challenging that claim.

At any stage of the upward spiral of war in Vietnam, there is the danger, despite the most exceptional restraint on either side, of a miscalculation. United States experts can never be absolutely certain just what acts of military intensification on their side may precipitate more direct Soviet involvement in the war. The Russians can never be sure what the United States may do next to entangle Soviet prestige inextricably in the consequences, intentionally or accidentally.

In groping through this dilemma, somewhat like two blind men trying to find their way across an unmarked minefield, Washington and Moscow have each eased into an unprecedented, although irregular, level of restraint in their non-Vietnamese relationships.

It is not a matter of total trust, or the end of suspicion, or anything of that sort, but simply self-interest on both sides. As one ranking American official put it symbolically last week, "We know that if the Russians see any gold nuggets lying around, they're going to pick them up."

What he meant was that the Russians, in continuing East-West competition, will take any golden targets of opportunity it finds. So, undoubtedly, will the United States, he might have added.

But what Moscow and Washington are doing is disposing of unnecessary irritations, avoiding confrontations on minor disputes. Each nation is making its international points, where it chooses, but without extra inflammation. The United States, did so just last week when it arrested and prosecuted the skipper of a Soviet fishing vessel for entering U.S. territorial waters off Alaska, but let him off with a \$5,000 fine.

If the United States had chosen to parade Stalin's daughter as an East-West prize, for example, it might easily have risked freezing up the international atmosphere. The U.S.-Soviet Consular Treaty is pending on the Senate floor; the Outer Space Treaty is just behind it; a treaty to ban the spread of nuclear weapons is dangling in Geneva, and possible U.S.-Soviet negotiations to limit the arms race are at stake.

By American diplomatic reckoning, the required course of action pointed unmistakably toward restraint. President Johnson readily agreed.

## EXHIBIT 3

[From the Washington Post, Mar. 13, 1967]  
RIGHTWING TRIGGERS PAPER BLIZZARD TO  
SMOTHER CONSULAR PACT

(By J. Y. Smith)

If the Senate ratifies the U.S.-Soviet consular treaty this week, it will do so despite one of the largest and most vehement right-wing mail campaigns in recent years.

A defeat of the pact would mark virtually the only major success of the lobbyists of the far right in blocking efforts to improve Soviet-American relations.

The treaty's proponents are cautiously optimistic. Sen. J. William Fulbright (D-Ark.), chairman of the Senate Foreign Relations Committee, said in a telephone interview that "it is unconceivable to me that we would be so petty as to turn this treaty down."

The crunch may come by Wednesday, when a "reservation" to the treaty proposed by Sen. Karl E. Mundt (R-S.D.) is expected to come up for a vote. The reservation says that the treaty would go into effect only when the President advises Congress that American troops are no longer needed in Vietnam, or that their return to the United States no longer is being hindered by Soviet aid to the Vietnamese Communists.

## WOULD KILL THE TREATY

If passed, the Mundt proposal would effectively kill the pact. It is almost incon-

ceivable that the Soviets would ratify it with that proviso.

Opposition to the treaty in the Senate derives from the traditionally conservative and isolationist South and Midwest. It also comes from Southern California and cities such as Detroit and Chicago which have large populations with close ties to the so-called "captive" nations of Eastern Europe.

Sen. Thurston B. Morton of Kentucky has been one of the principal movers and shakers in rounding up Republican support for the treaty. Other backers include Sen. Everett McKinley Dirksen, the Senate Minority Leader, and Sen. Charles Percy (R-Ill.). Thus the foes of the pact include Sen. Strom Thurmond (R-S.C.), Sen. George Murphy (R-Calif.), Sen. Frank J. Lausche (D-Ohio) and Sen. Herman Talmadge (D-Ga.).

Despite the appeal of the Mundt reservation, though, observers noted that a similar blocking rider offered last week by Talmadge was defeated 53 to 26.

The campaign against the treaty has been led by the Washington-based Liberty Lobby, an organization set up in 1955 "for the purpose of reversing the dangerous trend toward socialization internally and to defeat the insidious effort to weaken our resistance to international communism."

Others are the Manion Forum, the Dan Smoot Report, the United Republicans of America, the National Review and the Mothers of American Servicemen of South Pasadena, Calif.

The Liberty Lobby's techniques for generating mail to Congress are direct in the way a T-54 tank is direct, but some of the most obvious forms of propaganda are avoided. For example, the Lobby eschews mimeographed form letters on the ground they lack credibility.

## HOOVER IN A WHITE SUIT

On the other hand, it has made progress in the anti-consular campaign with a 16-panel comic strip entitled "The Communists Next Door." J. Edgar Hoover, a critic of the pact, is depicted in a white suit. A mustachioed State Department supporter of the treaty wears his hair plastered down with greasy kid stuff.

An earnest young legislative assistant in the cartoon tells it to his Senator this way: "The most obvious danger from the treaty is provision for 'diplomatic immunity.' Treaty opponents point out that to give Soviet personnel complete immunity from arrest is to invite an increase in Red espionage . . . even sabotage . . . since the treaty forbids inspection of any baggage or equipment brought in as 'diplomatic pouch.'"

The impact of this on Liberty Lobby's mailing list—the organization claims 170,000 members—can be seen in the following letter to a Senator who is one of the treaty's main supporters:

"The most obvious danger from the treaty is provision for 'diplomatic immunity.' Treaty opponents point out that to give Soviet personnel complete immunity from arrest is to invite an increase in Red espionage . . . even sabotage . . ."

The writer is identified by his letterhead as the president of a machinery company in Green Bay, Wis.

The comic strip tries to make a sabotage case by saying that "atomic demolition munitions" could be smuggled into American cities in Soviet diplomatic pouches. It does not mention the fact that the almost 500 Soviet diplomats already stationed in the United States theoretically could do the same thing.

Neither does it touch on the fact that U.S. consular personnel in the Soviet Union also would have diplomatic immunity and also would be immune from arrest.

Despite all this, according to one leading Senate Democratic supporter of the pact,

the mail campaign has had almost no measurable effect except among those lawmakers who were opposed to the treaty anyway.

Morton has been threatened by one writer with the delivery of one live rattlesnake if he votes for the consular pact. Another writer said: "If we are ten to one against the treaty, then we—not you—are at fault if you vote against it."

Morton's mail has been running 100 to 1 against the agreement. The Senator says he'll ignore the mail and vote for it anyway.

Mr. SPARKMAN. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. CLARK. Mr. President, I thank the Senator from Alabama.

While I agree with the analysis of the reservation just made by the Senator from Oregon and enjoyed what he said, I should like to confine my comments to the subject matter of the reservation which has a certain tone of plausibility about it. It is that we should not ratify this treaty until the Soviet Union permits the distribution to the Soviet press of announcements concerning the U.S. public policy and the answer to any criticism of such policy contained in the Soviet press, and it would further require the Soviet Union to refrain from limiting the number of representatives of the U.S. press who go to Russia to write about conditions there.

The purpose of the reservation, in other words, is to impose freedom of the press upon the Soviet Union. This seems to me to be somewhat silly. We are not going to have the slightest impact on establishing in the Soviet Union the Bill of Rights contained in the first 10 amendments of the Constitution of the United States, and it is ridiculous to think that we ever could.

We are dealing with a closed society. We do not like a closed society merely because it is closed. However, we live in a world of reality and not in a dream world.

It is difficult for me to believe that grown and mature men with some understanding of the facts of international life today would be so naive as to suggest that we can persuade the Soviet Union to establish freedom of the press within the boundaries of their own country by proposing such a matter in this treaty.

This is so naive that one is almost impelled to speculate on the motivation of those who propose this unduly naive amendment.

I am not in the business of speculating on the motivation of my colleagues, and I do not intend to do so this afternoon.

As I will say is that the inevitable effect of passing this reservation would be to kill the treaty and perhaps, just perhaps, that is what the proponents of the reservation would like to see done.

Mr. President, I yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield 8 minutes to the Senator from Utah (Mr. Moss).

The PRESIDING OFFICER. The Senator from Utah is recognized for 8 minutes.

Mr. MOSS. Mr. President, it is unquestionably in our national interest to



March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S 3753

ratify the Consular Treaty. The U.S. Senate should take this action, and we should take it without reservations or understandings.

What is at issue is a more stable world. The treaty presents an opportunity to improve the machinery through which we handle certain official business with the Soviet Union. We can grasp this opportunity without endangering our own future or our own security. It would be foolish to pass it by. It could help propel us toward peace.

Primarily, we need the treaty to give greater protection to Americans traveling in the Soviet Union. At the present time, an American can be held incommunicado up to 9 months during an investigation of criminal charges lodged against him, and the Soviet Union does not have to notify U.S. authorities. If the treaty were in effect, the Soviet Union would have to notify U.S. authorities immediately, and these officials would have the right to visit the American citizen being held within 4 days of his arrest, and on a continuing basis thereafter. The small number of Soviet citizens now traveling in the United States already have such protection under our democratic system, but the more than 18,000 Americans who now go to the Soviet Union annually have no such protection.

We learned recently what the absence of a Consular Treaty between the Soviet Union and the United States meant when two young Americans, Craddock M. Gilmore, of Salt Lake City, Utah, and Buel Ray Wortham, of Little Rock, Ark., were arrested on charges of currency black marketing, with the additional charge of the theft of a souvenir bear from a Russian hotel against Wortham.

The men were arrested on October 1 of last year. It was 6 days before the U.S. Embassy in Moscow was notified that the Americans were being detained, and where. It was 5 days later before the first U.S. consular officer was allowed to visit them. A second visit was not permitted until October 28, and even then representatives of the U.S. Embassy could not talk with either of the two—they were in solitary confinement—about the charges against them.

It will take too much time to chronicle each request for a visit to the boys, and the various denials. Nor will I go through the details of the trials of both, and of the release and fining of Gilmore following the December trial, and the final release and fining of Wortham only last week.

The point of the matter is that the boys and their families and the communities and States in which they live were subject to great tensions and anxieties because of the uncertainty surrounding the treatment of the American citizens under Soviet law, and that some of this could have been alleviated had the Consular Treaty been in effect. As more and more American citizens go to the Soviet Union in the years ahead to try to get a better understanding of the people and their philosophy and to see how they live, there are likely to be other incidents, and we must be sure that we have done what we could to give our citizens all the protection possible.

The convention itself is not needed to provide for the opening of new consulates. That can already be done. This treaty contemplates possibly one additional consulate to be established in each country, and some 10 or 15 additional Soviet personnel to be admitted in addition to the 400 already in this country with diplomatic immunity, but it does guarantee rights for Americans in the U.S.S.R. Some of the mail I have received has insisted this would make it possible for Soviet consular officials to bring small atomic weapons in the United States—that, to use the exact phrase in one of my letters, "atomic bombs up to one-half kiloton in size" could be smuggled in through "diplomatic pouch." I can only point out that Soviet diplomatic officials in this country have had the privilege of diplomatic immunity since the opening of the Soviet Embassy in Washington in 1934, and there is no evidence that they have ever misused these privileges to bring into this country weapons detrimental to the national security of the United States.

Now, I am not presuming to say that no Soviet consular official brought into this country under this treaty, or under any other agreement with the Soviet Union, will never become a security problem to us. But we can cancel the Consular Treaty any time on a month's notice. And we can expel any Soviet employee who is guilty of offensive conduct. And we have in the Federal Bureau of Investigation the best internal security agency in the world. Surely, a handful of additional Soviet citizens would not strain too greatly the vast and well-organized facilities of the FBI.

I have been chagrined, as I know many of my colleagues have, by the blitz of frenzied mail against this treaty inspired by several of our rightwing lobbies. I regret that some of our sincere and patriotic citizens have been led to believe that ratification of this treaty would admit a horde of Soviet spies with suitcases filled with bombs. I regret that these citizens have had an opportunity to read and hear only one side of the argument on the treaty—that they have had no way of getting perspective on it. I wish we had a better system of getting all the facts to our people.

Mr. President, this treaty has actually been in the making for many years. It was talked about in 1933, when we first reestablished relations with Russia, and President Eisenhower proposed at the 1955 Geneva Summit Conference that "concrete steps" be taken to lower the barriers which now impede the opportunities for people to travel anywhere in the world. Secretary of State Christian Herter discussed the treaty in 1959 at Camp David with Soviet Foreign Minister Gromyko. Formal negotiations began in Moscow in 1963, and after 8 months of hard negotiations, the convention was signed on June 1, 1964, and submitted to the Senate by President Johnson on June 12, 1964. The Committee on Foreign Relations has twice held hearings on it, and reported it to this Congress by a favorable vote of 15 to 4. It has now been debated in the Senate for almost a week.

We have examined it carefully in all of its aspects. I am sure that any pos-

sible adverse effect to our national interest has been thoroughly explored and aired. The benefits far outweigh any dangers. We should ratify it now without further delay and put it into effect immediately.

The proposed reservations or even the understanding would, in my opinion, kill the treaty. Therefore, I will vote against reservations or understandings, and I will vote for the treaty.

Mr. SPARKMAN. Mr. President, I request the yeas and nays.

The yeas and nays were ordered.

Mr. SPARKMAN. Mr. President, I yield 5 minutes to the Senator from Maine [Mr. MUSKIE].

Mr. MUSKIE. Mr. President, in a newsletter to my constituents dated March 4, 1967, I stated the reasons why I will support ratification of the Consular Treaty.

I ask unanimous consent that the text of that newsletter be printed in the Record at this point.

There being no objection, the newsletter was ordered to be printed in the Record, as follows:

DEAR FRIENDS: While we wrestle with the problem of Vietnam, we should try to avoid becoming so involved in the debate over the conflict that we ignore or distort the opportunities for more peaceful forms of competition with Communist countries. Nowhere has this danger been more apparent than in the debate over the Consular Treaty between the United States and Russia.

In the past few weeks, what should have been a relatively innocuous policy decision—initiated, incidentally, by President Eisenhower—has become a major issue in the Senate.

Judging from my mail, many Americans misunderstand the Treaty. Their major objection seems to be a fear of increased espionage by members of Russian consulates in this country.

The fact is that the Treaty would not require the opening of a single consulate here or in Russia.

What the Treaty would do is enable members of our Moscow Embassy staff to give comfort and encouragement to touring Americans arrested or detained by Russian authorities. It also would set protective ground rules for an exchange of consulates if at some time in the future, we decide it is to our advantage to do so.

The Treaty would require the Russians to notify our Embassy personnel within three days of the detention of an American, and would enable Embassy personnel to visit the American within four days of the arrest, and visit with him on a regular basis thereafter.

Presently under Soviet law, any tourist or Russian citizen can be arrested and held for nine months, and sometimes longer, for investigation. In the cases involving Americans, our Embassy frequently is not notified of the detentions for weeks, if ever. Even when we are notified, we have no rights of visitation.

What this means to a detained American is prolonged isolation in a Russian prison with neither hope of seeing another American nor knowledge that his country knows or care of his imprisonment.

The importance of the Treaty grows each year as more Americans visit Russia. From 1962 to 1966, the number of Americans traveling in Russia increased 50 percent to 18,000. Since 1964, more than 20 Americans have been arrested or detained in Russia. One, Newcomb Mott, died mysteriously at Russian hands under these circumstances.

Russian tourists in America, numbering about 900 a year, already have the Treaty's protections in our open society without the Treaty.

S3754

CONGRESSIONAL RECORD — SENATE

March 14, 1967

With the Treaty, Americans in the Soviet Union would have more rights than any Russian citizen now possesses in his homeland.

The notification and visitation provisions of the Treaty are its most compelling features. However, its ground rules for consular exchanges also are important because the opening of a single consulate in each country is contemplated, even though no formal proposals have been made or are under consideration.

Under the Treaty, the exchange of consulates would be the subject of careful negotiation on a strict quid-pro-quo basis. For instance, if an American consulate in Russia had a staff of 10 persons, the Soviets would be limited to the same number for their consulate here.

Normally, a consulate would have 10 to 15 officers, and neither Attorney General Ramsey Clark nor FBI Director J. Edgar Hoover regard this number as a problem which the FBI could not deal with effectively and efficiently. There are now 452 Russian diplomatic personnel in the United States.

The Treaty provides additional limitations and safeguards:

1. We would have the right to screen Russian personnel before agreeing to their assignment to our country;
2. We could prohibit Russian consular officers from traveling to sensitive areas in the United States;
3. We could expel the Russian officers if they proved undesirable;
4. We could close a Soviet consulate whenever we wished; and
5. We could cancel the Treaty on six months' notice.

Clearly, the Treaty represents concessions by the Russian Government which we have sought and which are regarded as being to our advantage.

For these reasons, I have supported Senate approval of the Treaty. It is another step in our search for a detente in the Cold War. It is one justifiable means of neutralizing the strains in American-Russian relations caused by the hot war in Vietnam. It is a small but important step in search of a lasting peace.

And when I think of these small but sometimes difficult steps, I remember President Kennedy speaking at the Convocation at the University of Maine in October, 1963:

"While the road to . . . peace is long and hard, and full of traps and pitfalls, that is no reason not to take each step we can safely take."

Sincerely,

EDMUND S. MUSKIE.

Mr. MUSKIE. Mr. President, the first question which confronts us is this: Is the treaty in its present form, as developed in negotiations extending over several years, in our national interest?

I believe it is, for the reasons stated in my newsletter.

I believe the proposed commitments on our part are limited, acceptable, and properly safeguarded.

I believe the proposed commitments on the part of the Soviet Union are advantages and protections of substance to American citizens traveling in the Soviet Union.

I believe that the treaty in its present form is in the national interest, notwithstanding the fact that other differences and disputes between the United States and the Soviet Union are not resolved by it.

The second question which confronts us is this: Is it realistic to expect that the Soviet Union would agree to additional commitments on her part involving no additional commitments on our part? Or to agree to a reduction in our

commitments without reductions or compensating advantages to her?

An affirmative answer would have to be based upon an assumption that the treaty, in its present form, holds greater advantages to the Soviet Union than for us and the further assumption that she would concede the first assumption. Neither assumption is valid.

At best, therefore, we could expect not acquiescence, but the opening up of an enlarged area of disagreement, moving us away from the limited agreement we are considering, and with pretty dim prospects for an enlarged agreement.

The history of negotiations with the Soviet Union since World War II is that agreements come slowly, that they are limited, and that progress, when it is achieved at all, comes with small steps, not large ones.

Mr. President, each of us can suggest other problems we would like to see resolved by the treaty. Each of us could wish that this one document might wipe away all the tensions, the frustrations, and the dangers of the cold war. Each of us, I am sure, knows that no such single step is possible.

And so, Mr. President, we have the question whether, confronted by that reality, we should, in the words of President Kennedy, "Take each step we can safely take."

I think we should. I think this treaty is such a step. I think that to insist on a greater step as our price for agreement will endanger the prospect for the limited agreement represented by this treaty.

On October 19, 1963, Mr. President, in an address at the University of Maine, President Kennedy spoke on "The meaning of the test ban treaty." His advice on that occasion is appropriate to the decision before us. I ask unanimous consent that excerpts from that address be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

One year ago this coming week, the United States and the world were gripped with a somber prospect of a military confrontation between the two great nuclear powers. The American people have good reason to recall with pride their conduct throughout that harrowing week. For they neither dissolved in panic nor rushed headlong into reckless belligerence. Well aware of the risks of resistance, they nevertheless refused to tolerate the Soviets' attempt to place nuclear weapons in this hemisphere, but recognized at the same time that our preparations for the use of force necessarily require a simultaneous search for fair and peaceful solutions. . . .

A year ago it would have been easy to assume that all-out war was inevitable, that any agreement with the Soviets was impossible, and that an unlimited arms race was unavoidable. Today it is equally easy for some to assume that the Cold War is over, that all outstanding issues between the Soviets and our country can be quickly and satisfactorily settled, and that we shall now have, in the words of the Psalmist, an "abundance of peace so long as the moon endureth."

The fact of the matter is, of course, that neither view is correct. We have, it is true, made some progress on a long journey. We have achieved new opportunities which we cannot afford to waste. We have concluded with the Soviets a few limited, enforceable

agreements or arrangements of mutual benefit to both sides and to the world.

But a change in the atmosphere and in emphasis is not a reversal of purpose. Mr. Khrushchev himself has said that there can be no coexistence in the field of ideology. In addition, there are still major areas of tension and conflict, from Berlin to Cuba to Southeast Asia. The United States and the Soviet Union still have wholly different concepts of the world, its freedom, its future. We still have wholly different views on the so-called wars of liberation and the use of subversion. And so long as these basic differences continue, they cannot and should not be concealed. They set limits to the possibilities of agreements; and they will give rise to further crises, large and small, in the months and years ahead, both in the areas of direct confrontation—Germany and the Caribbean—and in areas where events beyond our control could involve us both—areas such as Africa and Asia and the Middle East.

In times such as these, therefore, there is nothing inconsistent in signing an atmospheric nuclear test ban, on the one hand, and testing underground on the other; about being willing to sell to the Soviets our surplus wheat while refusing to sell strategic items; about probing their interest in a joint lunar landing while making a major effort to master this new environment; or about exploring the possibilities of disarmament while maintaining our stockpile of arms. For all of these moves, and all of these elements of American policy and Allied policy toward the Soviet Union, are directed at a single, comprehensive goal—namely, convincing the Soviet leaders that it is dangerous for them to engage in direct or indirect aggression, futile for them to attempt to impose their will and their system on other unwilling people, and beneficial to them, as well as to the world, to join in the achievement of a genuine and enforceable peace.

Historians report that in 1914, with most of the world already plunged in war, Prince Bulow, the former German Chancellor, said to the then Chancellor Bethmann-Hollweg, "How did it all happen?" And Bethmann-Hollweg replied, "Ah, if only one knew." My fellow Americans, if this planet is ever ravaged by nuclear war, if 300 million Americans, Russians and Europeans are wiped out by a sixty-minute nuclear exchange, if the pitiable survivors of that devastation can then endure the ensuing fire, poison, chaos and catastrophe, I do not want one of those survivors to ask another, "How did it all happen?" and to receive the incredible reply, "Ah, if only one knew."

Therefore, while maintaining our readiness for war, let us exhaust every avenue for peace. Let us always make clear our willingness to talk, if talk will help, and our readiness to fight, if fight we must. Let us resolve to be the masters, not the victims, of our history, controlling our own destiny without giving way to blind suspicion and emotion. . . .

The PRESIDING OFFICER (Mr. MONTGOMERY in the chair). The time of the Senator has expired.

Mr. SPARKMAN. I yield 2 additional minutes to the Senator from Maine.

Mr. MUSKIE. I should like to read the following excerpt from that address:

In times such as these, therefore, there is nothing inconsistent in signing an atmospheric nuclear test ban, on the one hand, and testing underground on the other; about being willing to sell to the Soviets our surplus wheat while refusing to sell strategic items; about probing their interest in a joint lunar landing while making a major effort to master this new environment; or about exploring the possibilities of disarmament while maintaining our stockpile of arms. For all of these moves, and all of these elements of American policy and Allied policy toward

March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S 3755

the Soviet Union, are directed at a single, comprehensive goal—namely, convincing the Soviet leaders that it is dangerous for them to engage in direct or indirect aggression, futile for them to attempt to impose their will and their system on other unwilling people, and beneficial to them, as well as to the world, to join in the achievement of a genuine and enforceable peace.

Historians report that in 1914, with most of the world already plunged in war, Prince Bulow, the former German Chancellor, said to the then Chancellor Bethmann-Hollweg, "How did it all happen?" And Bethmann-Hollweg replied, "Ah, if only one knew." My fellow Americans, if this planet is ever ravaged by nuclear war, if 300 million Americans, Russians and Europeans are wiped out by a sixty-minute nuclear exchange, if the pitiable survivors of that devastation can then endure the ensuing fire, poison, chaos and catastrophe, I do not want one of those survivors to ask another, "How did it all happen?" and to receive the incredible reply, "Ah, if only one knew."

Therefore, while maintaining our readiness for war, let us exhaust every avenue for peace. Let us always make clear our willingness to talk, if talk will help, and our readiness to fight, if fight we must. Let us resolve to be the masters, not the victims, of our history, controlling our own destiny without giving way to blind suspicion and emotion. . . .

The PRESIDING OFFICER. Who yields time?

Mr. MUNDT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. MUNDT. Mr. President, I wish to spend a little time on this matter. I believe I can do it in 5 minutes. Thereafter I shall be happy to discuss with the majority leader the yielding back of time so that we can get on with the vote.

I wish to devote a little time to the second issue which I mentioned when we started the debate this afternoon. The first issue was: Is the Senate still prepared to exercise, when an occasion demands it, its power of advice in treaty-making or are we going to accept the thrust of the three letters which have been put in by the State Department representatives, exhibits I, II, and III, on pages S3580 and S3581 of the Record, which are to the effect that if the Senate tampers with the treaty or exercises its advice in a meaningful way that means the treaty is automatically killed?

For the Senate to accept that doctrine would mean that we are simply out of the treaty-making business. If we accept that doctrine, why does the State Department and the President send us a treaty at all if we cannot act on it and offer our advice? Why not just route it through the arm-twisting machine at the other end of the Avenue and get an automatic, computerized, instantaneous assent and consent?

I submit that we should not contribute to the further decrease of senatorial dignity, power, and responsibility by accepting such a hypothesis, which the Senate has no constitutional right to adopt.

The second argument goes to the merits of reservation No. 1. It is clear-cut. It is cogent and direct, and easy to understand. If we are going to exercise our function to advise, do we want

to advise the State Department that we feel our consular officers and representatives of the press should have on the Russian side exactly the same rights, privileges and protections their people have on the American side? If we believe that, we should vote "yes," and if we do not believe that, we should vote "no."

If we believe that the Senate can exercise the right to advise, we vote yes; if we do not believe it and accept the philosophy that we are only here only to assent, we can vote no.

The question to decide is: Is it important that at long last we move in the direction of complete reciprocity in our dealings with Soviet Russia? If there is a detente they should accept this without argument. If there is this growing reproachment, this amity between the two countries that we all hope and pray for, they can accept this and do it with alacrity. It need not delay the ratification of the treaty by Russia for 1 minute.

Secondarily is the question of the reservations we are called upon to consider. The Soviets will consider this treaty secondarily. They do not have to reconvene the conference. It simply would require acquiescence on their part with this good faith amendment, this rule of fair play, this complete reciprocity of the rights of nationals of both countries in both areas.

For that reason I recommend the adoption of executive reservation No. 1.

Mr. McGEE. Mr. President, the Consular Treaty should be ratified without reservation. I intend to oppose the reservation to the pact as introduced by the Senator from South Dakota. It would be a serious mistake to tie the proposed treaty in any way to Vietnam. Not only would this confuse issues, it would work to the disadvantage of the United States. Twenty years of cold war should have taught us by now that there are many, many variables at work on the national interests of the United States in many, many parts of the world. What becomes an effective tactic in one part of the world does not necessarily work in another. Since the breakup of the Communist monolith a few years ago, it is no longer wise or practical to cope with a potential Communist aggression with a single policy. Soviet Communists respond to one set of pressures; Chinese Communists, to yet a different type of pressures; and Ho Chi Minh Communists to still another.

A fundamental objective—perhaps the fundamental objective—in American foreign policy is to preserve a favorable balance of power in the world. This requires preventing aggression, whether in the East or in the West. How we best achieve that objective depends upon the particular crisis at hand. In Europe, for example, Soviet aggression was successfully stopped long ago, at least as far back as the critical test in Berlin in 1948.

Ever since then, time has been on the side of the free world as far as Europe is concerned. Each year has witnessed the erosion of a bit more of the so-called Iron Curtain lowered across Eastern Eu-

rope by the Russians during and after World War II. By trade, tourism, and diplomacy, new bridges have been built into the East. We have an opportunity now to penetrate that curtain in still another way; namely, through the pending Consular Treaty.

It is in our national interest to ratify the treaty, not because it helps the Soviets but rather because it helps us. It helps us in two ways. First, in the additional protection it affords individual Americans traveling in the Soviet Union; second, by easing East-West tensions in Europe. The easing of those tensions can only redound to the advantage of the West. We should not forget that the Iron Curtain was lowered to protect the Russians against contact with the West. Each breach in that protective curtain becomes more difficult for the Russians to live with than it does for the rest of us. Thus, building bridges to the East ought to remain as a constant objective of American foreign policy.

In Asia, on the other hand, the easing of the cold war is at a much lower stage of development. For example, American national interest was constantly in jeopardy as long as China and Russia synchronized their policies and their goals. With Peking and Moscow marching in unison, there could be no easing of the American concern in the Pacific. Therefore, a constant priority of American Far Eastern policy must continue to be one of encouraging and sharpening cleavages between the Chinese and the Russians. As deeply as we are involved in southeast Asia, that commitment is still not so serious as would be a united Sino-Soviet alliance in eastern Asia.

While Vietnam represents a direct consequence of our concern about the balance of power in Asia, it nonetheless has come to affect also the relations between the two largest Communist governments in the world. Even as our first priority in southeast Asia must remain that of thwarting an act of aggression, we should not lose sight of its secondary ramifications as a strain upon the relations between Moscow and Peking. Most students of international politics would tend to agree that the Russian presence in the form of assistance to North Vietnam is motivated more by her rivalry with China than by her rivalry with the United States. It is imperative that we keep this circumstance in the proper order of our policy priorities.

Consistent with preventing North Vietnam from taking South Vietnam by force of arms, we should likewise avoid any act which would tend to drive the Russians closer to the Chinese. For this reason, we should not confuse or mix up our national objectives by entwining our diplomatic offensive in Eastern Europe with our military offensive in eastern Asia.

This brings us back, then, to the beginning of these remarks; namely, that the fundamental basic in American policy around the world is to curb the use of force in the settlement of international disputes—in short, to stop aggression. Tangent to that objective is the secondary goal of loosening the grip which potential aggressors may have on

S3756

## CONGRESSIONAL RECORD — SENATE

March 14, 1967

satellite areas. It is as much in our interest to assault this frontier in the West by signing the Consular Treaty as it is to avoid crowding the Soviets back toward Peking in the East by aggravating our relations with them elsewhere.

In sum, our overall strategy must remain a constant in power politics but our tactics must be flexible enough to take the fullest advantage of each variable on the international stage. It would be sheer folly to do otherwise. For this reason, the United States should not lace itself into a self-imposed straight jacket by tying the war in Vietnam to our diplomacy in Eastern Europe. To do so would only tie our own hands; inhibit our own freedom of action.

I shall vote against the reservation proposed by Senator MUNDT and urge that the Senate of the United States reject it.

Mr. WILLIAMS of New Jersey. Mr. President, the Senate Foreign Relations Committee recently held hearings concerning the so-called Consular Treaty. There has been much misinformation and misunderstanding concerning this treaty.

I should like to point out that we are not giving anything away that we are not getting back. The treaty will be of tremendous advantage to Americans abroad. It will represent part of a new rapprochement, in economic terms, with the Soviet Union. This is good. I think that events throughout the world suggest that our position with respect to the Soviet Union is improving and their position with Red China is in serious trouble.

Recently, an editorial was published in the Trenton Times endorsing ratification of this treaty. The editorial points out:

This is a time of bridge-building in Europe—east to west, to east—and it seems to us a shortsighted policy for the United States to remain aloof. . . . The moment, then, is one of change. Advocating a more liberal Consular Treaty doesn't mean opening Cape Kennedy to the Russians. The government should indeed be prepared for closest surveillance to guard against espionage. But it seems to us the safeguards and the affirmative advantages noted make U.S. Senate ratification of the treaty a sound course.

Mr. President, this is a very thought-provoking editorial, and I ask unanimous consent to have it printed in the RECORD, and commend it to the attention of all Senators.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Trenton (N.J.) Times, Feb. 16, 1967]

## THE CONSULAR TREATY

A proposed new United States-Soviet Russia treaty on consular relations has become a matter of sharp controversy in the new Congress. The agreement was signed in 1964, needs a two-thirds vote of the Senate for ratification, and is opposed vigorously on the ground that any increase in Soviet diplomatic representation here only adds to the problem of meeting Communist espionage.

Given the history of Soviet espionage all over the world these last 50 years, no one can say this opposition argument is mere fancy.

But it seems to us the stronger argument favors ratification.

First of all, the treaty would not automatically set up new consulates—the authority is a permissive one and the details would be worked out by the two governments. President Johnson, quoting FBI Director J. Edgar Hoover, holds that no insuperable espionage problem would be created if a consulate were opened to add perhaps 10 consular officers to the 450 Soviet representatives now in this country. Proliferation beyond this would increase the problem, to be sure.

But you can be quite certain that neither kings, Presidents nor Soviet commissars would keep Mr. Hoover quiet if he thought the problem could get out of hand.

Granted that doctrinaire Marxism still makes world revolution the Communist goal, and that Chairman Mao would move out with guns blazing tomorrow if he were able to pursue that goal, it seems only realistic to note that practical changes have occurred in world Communism.

Most importantly the reasonable ground that long existed as to whether the Moscow-Peking split was for real is now non-existent. The two are daily at each other's throats. It is true that if Mao were eliminated, a Chinese leader ready for rapprochement with Moscow conceivably could come to power. But it does not appear likely today.

Similarly, Communism within Moscow's own eastern European sphere has changed. No longer are Poland, Rumania, Bulgaria and even Czechoslovakia so chained to the Kremlin that they cannot make their own trade and diplomatic arrangements with the west—and this they are doing increasingly with France, West Germany, Italy, Britain.

This is a time of bridge-building in Europe—east to west, to east—and it seems to us a shortsighted policy for the United States to remain aloof from what is happening. The most solid evidence of detente has come in the closer arrangement worked out only this week by Premier Kosygin and Prime Minister Harold Wilson. It is hardly irrelevant that Mr. Kosygin apparently tried earnestly in recent days to get Hanoi to make limited concessions in return for a longer U.S. bombing pause in North Vietnam.

The moment, then, is one of change. Advocating a more liberal consular treaty doesn't mean opening Cape Kennedy to the Russians. The government should indeed be prepared for closest surveillance to guard against espionage. But it seems to us the safeguards and the affirmative advantages noted make U.S. Senate ratification of the treaty a sound course.

Mr. MUNDT. Mr. President, I wish to inquire of my good friend, the Senator from Alabama (Mr. SPARKMAN), whether he thinks that we should start to yield back our time or continue the debate.

Mr. SPARKMAN. I am in favor not only of starting to yield back time, but I am ready to yield back the remainder of our time completely.

Mr. MUNDT. So am I. Mr. President, I yield back the remainder of my time.

Mr. SPARKMAN. I yield back the remainder of my time.

THE PRESIDING OFFICER. The question is on the adoption or rejection of executive reservation No. 1 proposed by the Senator from South Dakota (Mr. MUNDT) and other Senators.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. On this vote I have a live pair with my senior colleague from West Virginia (Mr. RANDOLPH). If he were present and voting, he would vote "nay." If I were at

liberty to vote, I would vote "yea." I withhold my vote.

Mr. LONG of Louisiana. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. JORDAN), the Senator from Georgia (Mr. TALMADGE), and the Senator from Maryland (Mr. TYDINGS) are absent on official business.

I also announce that the Senator from Nevada (Mr. CANNON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Florida (Mr. SMATHERS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from North Carolina (Mr. JORDAN), and the Senator from Maryland (Mr. TYDINGS) would each vote "nay."

On this vote, the Senator from West Virginia (Mr. BYRD) is paired with the Senator from West Virginia (Mr. RANDOLPH).

If present and voting, the Senator from West Virginia would vote "yea" and the Senator from West Virginia would vote "ray."

Mr. KUCHEL. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from Pennsylvania (Mr. SCOTT) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) is necessarily absent.

The Senator from Illinois (Mr. DIRKSEN) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. DIRKSEN) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "nay."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 22, nays 64, as follows:

[No. 59 Ex.]

YEAS—22

Cotton	Hill	Murphy
Curtis	Hollings	Russell
Dodd	Hruska	Stennis
Eastland	Jordan, Idaho	Thurmond
Ervin	Lausche	Tower
Fauntleroy	McClellan	Williams, Del.
Gruening	Miller	
Hansen	Mundt	

NAYS—64

Aiken	Hart	Monroney
Allott	Hartke	Montoya
Anderson	Hatfield	Morse
Baker	Hayden	Morton
Bartlett	Hickenlooper	Moss
Bayh	Holland	Muskie
Bennett	Inouye	Nelson
Boggs	Jackson	Pastore
Brewster	Javits	Pearson
Burdick	Kennedy, Mass.	Pell
Byrd, Va.	Kennedy, N.Y.	Percy
Carson	Kuchel	Proxmire
Cass	Long, Mo.	Ribicoff
Church	Long, La.	Smith
Clark	Magnuson	Sparkman
Cooper	Mansfield	Spong
Ellender	McCarthy	Symington
Fong	McGee	Williams, N.J.
Fulbright	McGovern	Young, N. Dak.
Gore	McIntyre	Young, Ohio
Griffin	Metcalf	
Harris	Mondale	



March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S 3757

## NOT VOTING—13

Bible	Dominick	Talmadge
Brooke	Jordan, N.C.	Tydings
Byrd, W. Va.	Randolph	Yarborough
Cannon	Scott	
Dirksen	Smathers	

So Mr. MUNDT's executive reservation No. 1 was rejected.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The pending business, according to the unanimous-consent agreement entered into last week, is executive reservation No. 2, which the Chair lays before the Senate, and which will be read.

The legislative clerk proceeded to read executive reservation No. 2.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that executive reservation No. 2 be considered as read and that it be printed in the RECORD.

The reservation is as follows:

Before the period at the end of the resolution of ratification insert a comma and the following: "Subject to the reservation that no exchange of instruments of ratification of this Convention shall be entered into on behalf of the United States, and the Convention shall not enter into force until the President determines and reports to the Congress that (1) it is no longer necessary to assign members of the Armed Forces of the United States to perform combat duties in the defense of South Vietnam or (2) the removal of members of the Armed Forces of the United States from South Vietnam is not being prevented or delayed because of military assistance furnished North Vietnam by the Soviet Union."

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished senior Senator from South Dakota [Mr. MUNDT], whose reservation No. 2 is now pending, intends to speak for approximately a half hour this evening, and that a half hour will then be occupied on this side of the aisle, perhaps not in response, but the time will be used anyway.

Following that, it is the intention of the distinguished senior Senator from Nebraska [Mr. HRUSKA] to speak. I ask unanimous consent that when he speaks, his remarks be apart from the time limitations already agreed to.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. MUNDT. Mr. President, I shall not take the full half hour at this time, but I shall take time enough to announce to the Senate that at approximately this time tomorrow afternoon, or possibly a little later, we should be having a roll-call vote on executive reservation No. 2, which, as I announced at the time I offered the two reservations bearing my name, and reiterated again today, is, in the opinion of the senior Senator from South Dakota, by all odds the more important of the two reservations which I have offered to the treaty.

While the first reservation, on which we have just voted, deals with the matter of trying to provide equality of treatment and reciprocity of expression for consular officials and representatives of the press on both sides of the water, as between the two signatory powers, executive reservation No. 2, which has been

printed in the RECORD, deals with our good faith as Members of Congress in bringing under the protective mantle of which we speak so much those boys who are fighting for freedom in Vietnam while we proclaim the protection needed by Americans traveling overseas.

I point out to Senators that it is not the Senator from South Dakota, nor is it anyone who is in opposition to this treaty, who has endeavored to link together the Consular Treaty and the problem of East-West trade. I point out that the President of the United States, in his state of the Union address stated this. After having listed a number of steps or bridgebuilding devices to which he alluded, he summarized his discussion of Soviet-American relationships with this sentence:

So tonight I ask and urge the Congress to help our foreign and commercial trade policies by passing an East-West Trade Bill and approving our consular convention with the Soviet Union.

I submit that this single sentence, tied together with only a conjunctive, makes it very clear that the President is presenting in this treaty a suggestion for ratifying the Consular Treaty in respect to which is related the important attachment of the problem of East-West trade. That is fact No. 1.

This brings us to the moment of truth as to whether or not we are to concern ourselves solely with Americans traveling in Europe when they reach Russia or whether we should do something to protect the boys fighting under the flag of freedom in Vietnam.

I ask that my reservation No. 2 be printed in full at this point in the RECORD as we shall be voting on it in a roll-call vote tomorrow.

That reservation reads:

Before the period at the end of the resolution of ratification insert a comma and the following: "subject to the reservation that no exchange of instruments of ratification of this Convention should be entered into on behalf of the United States, and the Convention shall not enter into force, until the President determines and reports to the Congress that (1) it is no longer necessary to assign members of the Armed Forces of the United States to perform combat duties in the defense of South Vietnam or (2) the removal of members of the Armed Forces of the United States from South Vietnam is not being prevented or delayed because of military assistance furnished North Vietnam by the Soviet Union."

It stands now as a demonstrable fact that it is the Soviet Union which is enabling the North Vietnamese to continue this war and to prolong and enhance our casualty lists, which induces them arrogantly to disclaim any invitation to the negotiating table, and that those weapons come today, in modern form, exclusively from the Soviet Union. Nobody will dispute that fact. And that is fact No. 2.

The third fact is that the State Department, in its presentation to our committee and the country, has linked together East-West trade and the consular treaty.

The fourth fact is that the great American newspaper, which functions either to applaud the policies of the

State Department or to conceive them—and I am never sure which—the New York Times, made it clear in a lead editorial that the consular treaty and the expansion of American exports to Russia are irrevocably connected.

I do not want Senators, therefore, to make the mistake of thinking we can close our eyes and vote for the consular treaty as though we lived in a world of make believe, where there was no war, where there were not 500,000 Americans called away from home and fighting for freedom, where the slaughter did not continue day after day at an accelerating rate, and where the deaths and the maiming and the injury of soldiers were not created by the weapons of the country with which we are now being asked to sign a consular treaty to the end that more American trade can be provided to the Soviets to crank into their industrial machinery, which today is spewing out flood torrents of arms to permit Hanoi to perpetuate the war.

The vote we shall cast tomorrow, therefore, will be on a reservation which simply says:

We ratify the treaty. We are making no amendment to it. We make no change of the treaty. We simply say it shall not go into effect so long as you are compelling us to draft and send to Vietnam American boys to continue the conflict.

Or—we give the President a second choice—

When you notify Congress in writing that the return of our boys from Vietnam is neither being prevented, nor delayed by virtue of the fact that the Soviets are supplying the arms to be used by North Vietnam in continuing the war.

There is not going to be much confusion about this. Senators are not going to have to search their consciences very long to decide where they stand on an issue as plain and as clear and, for some Americans, as brutal as this.

Tomorrow we shall discuss the reservation at some length. We have 6 hours in which to discuss what I consider to be one of the most important decisions the Senate will have to make in the 28 years that I have been around Washington.

I think, in fact, it is going to be one of the most important votes we are going to take concerning the outcome of the war and whether it drags on and on and on, fed by Russian arms, which our exports to Russia now help them provide, or whether, in fact, we are going to take action here designed to shorten the war, to reduce the capacity of the Russian war machine to supply arms to prolong the war. This reservation will provide an opportunity to do what that magnificent constitutional provision provides—that the Senate has a right and a duty to advise before it consents.

We shall have an opportunity to direct to the attention of this administration our desires in that connection.

Do we really think it good, for the first time in American history, for our country to help provide the wherewithal enabling the enemy to get his guns, via Russia, to prolong the war? If we do, I suspect we can ratify this convention. I suspect we should not write in a reserva-

tion, then. We can simply say, "Let her go."

But if we actually honestly believe as does this Senator from South Dakota that it is a prudent and proper public policy, in time of war, to follow the example of every previous American President in history—which is to shut off the armaments to your enemy, if you can, when they are using them to kill the troops that we draft from the shops, the homes, and the farms of this country—let us remember that those are the issues we will be deciding. Because we are going to vote on this matter, as we properly should. And to those who say that we ought to quit the bombing, we ought to press forward for negotiations at the negotiating table, we ought to take whatever steps we can to shorten the war, I say, "You are not going to have a better chance, in the Senate, to vote to shorten the war than by your vote on this reservation and on this treaty, where you can vote not to put the key in the lock of the door that opens up for Russian use the exports to Hanoi that continue the war."

To those of my fellow Senators who say, "We ought to win the war quickly, we ought to enhance the bombing, we ought to take some more chances, we ought to bomb the harbor at Haiphong, we ought to blockade the ships that are bringing in the supplies from the Communist countries—and, unhappily, from a few countries of the free world—to prolong this war so monotonously and drastically."

I reply, "If you really want to win the war, as I am sure you do, can anybody think of a better way to end a war, in modern history, than to shut off the supplies required by your enemy to fight it?"

Is that too simple to be understood at the other end of the avenue, Mr. President? It is not too simple to be understood by the mothers and fathers of America.

How do we shut it off, Mr. President? We shut it off by trying to induce the country which supplies virtually all of the petroleum enabling the Hanoi government to continue the war, and all of the sophisticated weapons used by the Communists against our soldiers over there, to curtail or to curb those shipments so deeply stained in human blood.

How do we do that, Mr. President? Does any Senator really believe, in his heart, that we can do it by kowtowing to that country, by embracing it in a consular treaty which is designed to expand the trade?

The Consular Treaty itself, in its own language, says one of the functions of the consular officers shall be to get additional trade.

There is no mystery about that. The State Department does not write about it, when they write this blizzard of letters down here. They talk about whether or not we could have a consular office without this convention. They talk about whether complete immunity is good or bad. They talk about espionage and counterespionage.

They refuse to face up to the fact that this is not a world living at peace.

Somebody has got to show a little concern about what is going on in terms of war. If increasing the armament of those fighting against us is the shortcut to peace, Mr. President, every American President in history except Lyndon B. Johnson has been totally and completely in error: because he is the first to propose it.

How can we use this treaty to help shorten the war? By amending it with a reservation, or by rejecting its ratification. How can we use this as a diplomatic tool, to help protect the thousands of Americans in uniform while worrying about the nine or 10 Americans, each year, who get in trouble flitting around Russia for their own pleasure or profit?

I will tell you how. We can do it simply by enabling the State Department to say to the Russians, if we add this reservation: "Look, Mr. Kosygin, we did our best. We tried to sell it to the country. We tried to sell it to Congress. We tried to sell it to the Senate. We argued and importuned, telephoned, arm-twisted, wrote letters, and did everything we could. But the Senate just simply could not be seduced to the point of going along, because they do not like and the country does not like the fact that you alone are solely responsible for the fact that the war is not over, over there in Vietnam. It is being continued by your war supplies, and they know it."

Perhaps they want this treaty and perhaps they do not, but I think I know something they do want. They really want and need those exports from America, the 400 items which were made available to them without license or restriction on October 12, by the Executive order of President Johnson, and I listed them starting on page S3543 of the CONGRESSIONAL RECORD of last Friday, March 10. The Russians want these shipments from America to continue to shore up their awkward, stumbling, bureaucratic, backward economy; they need them because they have been able to produce so few automobiles in Russia that there are only eight garages and eight filling stations in the whole city of Moscow—a city many times larger than Washington—and we have eight garages or eight filling stations on almost every street that angles through our community—they really want that help; they want those machine tools, that is one of the things we send them, they want that iron ore, and we are sending them that, although somebody ought to have a few nostalgic wakeful moments in the middle of the night, wondering who authorized that one, if he can remember back to Pearl Harbor, when our exporting of the same kind of materiel helped equip the Japanese war machines to wage an undeclared war on us at Pearl Harbor. Would you not think at least we would have learned enough so that we would not have included that one in the 400 items? Would you not think history should have left some imprint on the people making up that list?

The Russians need those exports from us, Mr. President. They have a consumer economy which is seething all over the place, because the people are denied so many of the consumer goods that people

receive everywhere else around the world. They built a wall through Berlin high enough so that the people could not see what the free world produces and makes available; but their people climbed up on the wall and into the high buildings and looked over to the west side of Berlin, and saw automobiles bumper to bumper up and down the avenues, as we have them here on Constitution and Independence Avenues. They saw stores filled with consumer goods. They saw people living in a free country, enjoying the creature comforts which people have in our country and in the rest of the free world; and it is hard for any government, no matter how tyrannical, to hold down the people once they have had their appetites whetted for consumer goods—once they see them and learn about them, and sample a few of them, and then find they are denied them by a government so busy concentrating on the manufacture of war supplies, munitions, and antiballistic defense systems that they do not have material and manpower and machinery enough left to produce consumer goods.

So, they get those goods badly needed from us and we take the pressure off their war-oriented economy. And every time we ship them anything, it tends to relieve the pressure on that many members of the labor force who can go to making military hardware to be shipped off to Hanoi, because they are not needed for making consumer goods for Russians any more.

Our export actions take the pressure off that much machinery with which to relieve production lines in those large equipment plants from making consumer goods so that they can go to making military hardware with which to kill American boys in Hanoi.

If that is not what it is for, why does somebody from the State Department not say so? Why does somebody from the White House not say so? Why does somebody from the military not say so? They do not say so because it is true that that is what they are asking us to embrace and endorse in this Consular Treaty.

The Russians, of course, want these supplies. So, we do have a diplomatic tool. We can say to them: "We are sorry. We cannot accept this treaty now, and we probably cannot send you these supplies any more unless you curtail or curb your shipment of death-dealing merchandise to Vietnam to be used in escalating a casualty list that is already more than half a hundred thousand members strong."

It is those things that we should think about in this moment of truth tomorrow. I am sure that every Senator wants to shorten the war. I am sure that when the facts are made clear, as they have been made clear, that there is this direct relationship between the trade and the treaty, that many Senators, before deciding which group of Americans they want to protect the most, will pay a little attention to the 500,000 Americans in Vietnam who have no chance to visit Russia. They are busily engaged in Vietnam because Uncle Sam has said: "You fight and fight and fight in Vietnam in a war

March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S 3759

which is beginning to appear interminable." I suspect it will pretty much approach interminability if we persist in sending the enemy directly or indirectly everything it requires with which to continue the fighting.

That is not a good way by which to shorten the war, whether one is a dove or a hawk or an owl, in between, or an eagle.

I urge Senators to think about that before they cast their votes on this reservation tomorrow.

Mr. President, I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPARKMAN. Mr. President, how much time was used by the Senator from South Dakota?

The PRESIDING OFFICER. The Senator from South Dakota used 22 minutes.

Mr. SPARKMAN. Mr. President, I yield 10 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. MORSE. Mr. President, I make two comments on the speech of the Senator from South Dakota.

The Senator has argued several times this afternoon about the fact that there is a trade provision and trade language in the Consular Treaty.

There is nothing new about that. It is my understanding that this is the standard provision that has prevailed for a long time in other consular treaties.

The provision in the Consular Treaty with the Soviet Union relating to trade, article 7, sub 2, is found on page 286 of the hearings. It is not an unusual provision. It is the standard provision in consular conventions.

It is identical to article 5(b) of the Vienna Consular Convention, found on page 301 of the hearings, and identical in substance to article 4(f) of one Consular Convention with Korea and article 17(5) of the Consular Convention with Japan.

These are the two most recent consular conventions ratified by the United States. This is standard language in consular treaties, Mr. President, and I wanted to make that statement because I am afraid that the impression may have been created in the minds of some that it is singular in connection with this proposed Consular Treaty with Russia.

My friend, the Senator from South Dakota, stressed another argument several times this afternoon which would be applicable, if sound, to his present reservation. I think it is completely unsound. That is the argument he makes that the Secretary of State in the letter he sent to our majority leader, the Senator from Montana, is really saying that the Senate may only consent, but not advise, in the case of a treaty, that the Senate must take all treaties as they are and not amend them or attach reservations or understandings to resolutions ratifying them.

It seems to me that the Secretary of State is saying something quite different from what the Senator from South Dakota attributes to him.

There are certainly treaties that would be ratified by the other party or parties even if the Senate did attach reservations to them or to the resolution of ratification. But in the letter to the majority leader I respectfully submit that the Secretary of State is simply saying that it seems to him that in this particular case, as far as this particular treaty is concerned, if we do attach a reservation in our resolution of ratification, our action could lead to either of two undesirable consequences—consequences that the Secretary of State then proceeds to spell out in the letter.

The Secretary of State was asked for his judgment concerning the advisability and feasibility of amendments, reservations, or understandings in this proposed Consular Treaty with Russia. He has given his judgment.

That is what the letter says. He was not asked to comment on the advisability and feasibility of amendments, reservations, or understandings to treaties in general, and he has not commented upon that general question. But he has restricted himself to the convention we are now considering, and he has said to us:

If in this case you attach reservations, then, in effect, you are going to kill the treaty.

I do not think we should criticize him for an answer that he has not given to a question that he was not asked.

The Secretary of State was not asked whether he thinks the Senate should accept all treaties without reservations. That is not what he said. In fact, we can just take judicial notice that the Secretary of State knows his constitutional law in regard to treaties. He knows that the Senate has the right to attach reservations and has the duty to attach reservations, if in the opinion of the Senate reservations should be attached. However, the question that was put to him was a question as to the advisability of attaching any reservations to this particular treaty, and on that he gave us a forthright answer in which he said in effect—and I agree with him: "a reservation to this treaty will kill it."

That is why some of us have argued earlier this afternoon that in our judgment that is what is planned by this series of reservations that have been offered.

It would have been much better for the opponents of the treaty to say, "We are against the treaty, kill it," rather than to try what I think is in effect a parliamentary scuttling approach to the treaty.

## MISPERCEPTION OF AGGRESSION IN VIETNAM

Mr. President, the first 1967 issue of the Journal of International Affairs carries an article by Ralph White entitled: "Misperception of Aggression in Vietnam."

Professor White is a professor of psychology and a member of the Institute for Sino-Soviet Studies at George Washington University. His article is a

useful contribution to the question of what we are doing in Vietnam, and why.

I ask unanimous consent as in legislative session that it be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Journal of International Affairs, vol. XXI, No. 1—1967]

## MISPERCEPTION OF AGGRESSION IN VIETNAM

(By Ralph K. White)

(NOTE.—Ralph K. White is professor of psychology and a member of the Institute for Sino-Soviet Studies at George Washington University. He is the co-author of *Autocracy and Democracy: An Experimental Inquiry*. His study of "Images in the Context of International Conflict: Soviet Perceptions of the U.S. and the U.S.S.R." appeared in a recently published volume, *International Behavior*.)

In the Vietnam war each side declares that it has to fight because of obvious, self-evident "aggression" by the other side. On each side there are images of a Hitler-like enemy, brutally, calculatingly bent on conquest. On each side there is a feeling that it would be weak and cowardly to let the enemy's aggression be rewarded by success; each side feels: "If we are men we cannot let this aggression go unpunished."

The thesis of this article is that both are wrong. There has been no aggression on either side—at least not in the sense of a coldblooded, Hitler-like act of conquest. The analogies of Hitler's march into Prague, Stalin's takeover of Eastern Europe, and the North Korean attack on South Korea are false analogies. There is a better analogy in the outbreak of World War I, when, as historical scholarship has shown, both sides stumbled and staggered into the war in a spirit of self-defense (or defense of national pride against "intolerable humiliation") rather than in a spirit of deliberate conquest. In Vietnam each side, though by no means free from moral guilt, is far from being as diabolical as its enemies picture it, since both believe that whatever crimes they may commit are justified by the magnitude of the emergency. Each knows that it has not "willed" this war. On each side ordinary human beings have become gradually entangled, hating the war and all the suffering associated with it, honestly believing that their manhood requires them to resist the "aggression" of the enemy. But the enemy's "aggression," in the sense which it has been assumed to exist, has not existed.<sup>1</sup>

For reasons that will be discussed, it follows that the only honorable peace would be a compromise peace in which each side could feel it had held out against the aggressor's onslaught and had managed to preserve at least the bare essentials of what it was fighting to defend.

## CAN THEY BELIEVE IT WHEN THEY CALL US "AGGRESSORS?"

President Johnson has said, "The first reality is that North Vietnam has attacked the independent nation of South Vietnam. Its object is total conquest. . . . Let no one think for a moment that retreat from Vietnam would bring an end to the conflict. The battle would be renewed in one country and then in another. The central lesson of our time is that the appetite of aggression

<sup>1</sup> A much more detailed and documented presentation of this thesis is contained in Ralph K. White, "Misperception and the Vietnam War," *Journal of Social Issues*, Vol. XXII, No. 3 (1966), pp. 1-167.

S 3760

## CONGRESSIONAL RECORD — SENATE

March 14, 1967

is never satisfied."<sup>2</sup> Secretary McNamara has said, "The prime aggressor is North Vietnam."<sup>3</sup> Secretary Rusk has repeatedly declared that the whole purpose of our intervention would disappear the moment the North Vietnamese decided to "let their neighbors alone."

The great majority of the American people do not seriously doubt these statements; even among those who doubt the wisdom of our attempting to resist aggression in Southeast Asia there are many who do not doubt that Communist aggression has occurred. Those who do feel that it is our responsibility to resist the aggression that they regard as self-evident are likely to have ready answers to what they suppose to be the arguments against this belief. They may ask: "Can you deny that North Vietnam has sent troops and weapons to the South? Can you deny that the Viet Cong cadres are Communists, controlled by other Communists in Hanoi and perhaps in Peking? Can you deny that war by assassination in the villages is aggression, in principle, as much as is war by invasion of troops across a border?" And when they find that their opponents, while making certain qualifications (e.g., with regard to the completeness of the control of the Viet Cong by Hanoi), do not try to deny the essential truth of any of these things, they are likely to feel that their case is well established and that communist aggression is indeed self-evident.

A visitor from Mars would be struck by the close parallel between all of this and the attitudes that are continually expressed on the other side. According to Ho Chi Minh, "It is crystal clear that the United States is the aggressor who is trampling under foot the Vietnamese soil."<sup>4</sup> According to Chou En-lai, "America is rapidly escalating the war in an attempt to subdue the Vietnamese people by armed force."<sup>5</sup> And according to Leonid Brezhnev, "Normalization of our relations [with the U.S.] is incompatible with the armed aggression of American imperialism against a fraternal Socialist country—Vietnam."<sup>6</sup> To the extent that they mean what they say, aggression by us seems as obvious to them as aggression by them seems to us. That, then, is the essential question: to what extent do they mean what they say?

To most Americans, probably, the charge that we are aggressors seems like outrageous nonsense, so transparently false that honest men all over the world must put it down immediately as a propaganda trick by the Communists to cover up their own aggression. The thief is crying "Stop thief" and must be doing it simply to distract attention from his own crime.

It is precisely here, though, that the perceptions of most Americans are, in my judgment, basically mistaken. The charge that we have been aggressors—inadvertent aggressors, without for a moment intending to be—is not outrageous nonsense. It is not more false than our charge that the Communists have been aggressors. Both charges are psychologically false, since neither side has committed conscious, deliberate, Hitler-like aggression. But both charges are in a less essential sense true, since both sides, in the belief that they have been defending themselves, have engaged in certain actions which the other side, seeing them within a radically different frame of reference, could easily perceive as aggressive.

That this is true on the American side needs no demonstration. Certain actions of the Communists, notably the campaign of assassination in the villages and the sending of troops from the North to the South, have seemed to most Americans, interpreting them within an American frame of reference to be flagrantly, self-evidently aggressive. What most Americans have almost wholly failed to realize is that we too have done things which, when perceived within the Communists' radically different frame of reference, have probably seemed to them to be just as flagrantly and self-evidently aggressive. This failure to see how our own actions are perceived by the Communists is the essence of our misperception.

Most of the rest of this article will be devoted to an exploration of the reasons for believing that the Communists do see our behavior as aggressive. The argument is twofold. (1) There are at least eight important kernels of truth in the Communist case against us—eight types of evidence that, when strongly focused upon by a Communist mind and interpreted within a Communist frame of reference, could seem to substantiate his charge of American aggression. (2) There is ample reason to believe that the lenses through which the Communists see reality have a high enough degree of refraction to do the rest of the job. They are quite capable of focusing strongly on these kernels of truth, interpreting them solely within a Communist frame of reference, failing to realize that we see them within a quite different frame of reference, ignoring or misinterpreting all the kernels of truth on our side, and therefore coming up with a black-and-white picture in which their role is wholly defensive and ours is aggressive. The chief reason to think they are capable of this much distortion lies in the fact that most American minds—presumably less dogmatic, more evidence-oriented—have been capable of a similar degree of distortion in the opposite direction. The very fact that so many Americans have denied, misinterpreted, soft-pedaled or simply ignored these eight important kernels of truth on the Communist side is sufficient evidence that the capacity to misperceive in this way is not inherently Communist. It is human. In other situations the Communists have, on the whole, shown much more of it than we have, but in the case of Vietnam the amount of distortion that apparently exists in Communist minds, i.e., the amount of it that they would need in order to believe most of what they say, is no greater than the amount in the minds of most Americans.

What is needed, then, is a careful examination of the "eight kernels of truth." We can hardly understand either the sincerity of Communist thinking or the distortions and blind spots in our own until we focus steadily on the facts that to them seem decisively important.

#### THREE REASONS WHY THEY THINK SOUTH VIETNAM "BELONGS" TO THEM

The usage of the term "aggression" in the Communists' discourse suggests that in their minds, as in ours, it is applied when either or both of two conditions exist: (1) when they believe, rightly or wrongly, that country A is using force to take land that "belongs" to country B; and (2) when they believe, rightly or wrongly, that most of the people on that land want to be part of Country B. The "eight kernels of truth" mentioned above include three types of evidence that, in my judgment, actually do tend to support their claim that South Vietnam "belongs" to them (reasons other than the belief that the people are on their side) and five types of evidence supporting their claim that most of the people are on their side.

Perhaps it should be repeated: this is not an argument that South Vietnam does "belong" to them, or that most of the people are

on their side. It seems to me that the first of these propositions, when closely analyzed, is largely meaningless, and that the second, though very meaningful, cannot be clearly answered on an empirical basis and is probably somewhat less than half true, since most people in South Vietnam probably do not want to be ruled either by Hanoi or Saigon. This is simply an argument that the facts are complex and ambiguous enough to disprove completely our prevailing American assumption that there has been deliberate, unequivocal Communist aggression, and to make it highly probable that the Communists think South Vietnam belongs to them and the people are on their side.<sup>7</sup>

What does "belonging" mean, psychologically? On what grounds does any group come to feel that a certain piece of land obviously "belongs" to it and not to someone else? Though at first glance the concept seems simple, on closer examination it turns out to be extraordinarily complex and elusive. Such an examination is needed, too, in view of the fact that an endless amount of bad blood and of violent conflict has been generated at the places in the world where two or more groups have had conflicting assumptions about what belongs to whom: the Thirteen Colonies, the Confederate States, Cuba, Bosnia-Herzegovina, Alsace-Lorraine, Austria, the Sudetenland, the Polish Corridor, Danzig, the Baltic states, Taiwan, Quemoy, Tibet, the Sino-Indian border, Indochina, Algeria, Kashmir, Cyprus, Israel. When the territorial self-image of one country overlaps with the territorial self-image of another, trouble seems to be almost inevitable, and such overlapping is hard to avoid because nations differ in their criteria of what constitutes ownership or "belonging." Sometimes, as in our American feeling about the Revolutionary War and the Southern feeling about the Civil War, the criterion is a belief about what most of the people in the area want. Sometimes, as in the British feeling about our Revolutionary War and the Northern feeling about the Civil War, it is a compound of habit, respect for tradition and legality, national pride, beliefs (which may be very deeply held) about what is best for all concerned, including minority groups such as the slaves in the American South or the Catholics in South Vietnam, and perhaps anxiety about what may happen elsewhere if violent attacks on the legally established order are allowed to succeed. There is always a tendency to accept whatever definition of "belonging" makes a given piece of land clearly belong to one's own nation or to an ally.

If we ask ourselves why most Americans assume that South Vietnam belongs to the Saigon Government and does not belong to the Viet Cong or to the Communist Government in the North, perhaps the best single answer would be that since 1954 we have regarded this as an established, accepted fact. Since 1954 we have had a mental image of Vietnam as having been divided, as Korea was, between a Communist North and a southern portion that was still part of the free world—perhaps precariously so, but for that reason all the more in need of being shored up and defended. Probably in the minds of most well-informed Americans there has been no belief that most of the people in South Vietnam want the kind of government they have had in Saigon. On that score there have been embarrassing doubts. But the doubts have usually been fairly well resolved in various ways, e.g., by the belief that most of the people in South Vietnam belong to a large, politically apathetic middle group that only wants peace and would gladly go along with whichever side seems likely to be the winner—

<sup>7</sup> For a more balanced picture of the evidence on both sides, see White, *op. cit.*, especially pp. 19-44, 46-50, 89-90, and 106-16.

<sup>2</sup> Johns Hopkins speech, Apr. 7, 1965.

<sup>3</sup> Speech before the National Security Industrial Assn., Mar. 26, 1964.

<sup>4</sup> Interview with Felix Greene, quoted in *The Washington Post*, Dec. 14, 1965, pp. A 1, A 16.

<sup>5</sup> Speech in Peking, reported in *The New York Times*, May 1, 1966, p. 4.

<sup>6</sup> Speech to the Central Committee of the CPSU, reported in *The Washington Post*, Sept. 30, 1965, A 16.



March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S3761

from which many infer that there is no popular will which needs to be considered, and that we are therefore free to decide the matter on other grounds. Or the doubts may be resolved by the belief that in the long run a government sponsored by us would permit a genuine development of democracy and national independence, whereas no Communist government would do so; or by the belief that permitting a Communist use of force to succeed in South Vietnam would encourage the "wars of liberation" favored by Communist China and therefore endanger both peace and freedom throughout the world. But all of these points also encounter controversy, and when tired of such controversy many Americans, including Dean Rusk, fall back on the solid, simple, and (they feel) unanswerable proposition that there are Communist soldiers fighting on land that does not "belong" to them. "We will stay until they decide to let their neighbors alone." And the seeming obviousness of this "belonging," since it cannot be based on assumptions about what the people want, is probably based primarily on the fact that for at least twelve years there has been, on our maps and in our minds, a division between the Communist North and the non-Communist South. We see this as the established, accepted, natural order of things.

In doing so we ignore three facts that in Communist minds are much more important than the division of the country that occurred in 1954.

1. *The division of the country has its only legal basis in the Geneva Conference of 1954, and at that conference it was explicitly agreed that it would last only two years. The Communist-led Viet Minh stopped fighting on the basis of what seemed to be a firm agreement that there would be an all-Vietnamese vote in 1956 (which they fully expected to win) that would unify the country, establishing both unity and full independence without further bloodshed. According to the respected French historian Philippe Devillers, "The demarcation line was to be purely provisional; the principle of Vietnamese unity was not questioned, and the idea of partition was officially rejected with indignation by both sides. When military forces were regrouped and administrative divisions laid down, national unity would be restored by free general elections."*<sup>6</sup>

Informed Americans are now embarrassingly aware (though a great many reasonably well-informed Americans were not clearly aware of it until perhaps two or three years ago) that in 1956 Diem, apparently with American backing, refused to permit the elections that had been provided for by the Geneva Agreement. To be sure, neither he nor we had signed those agreements, and there were other persuasive reasons for not permitting the elections at that time or at any time since then. But that is not the present point at issue; the point is that, having in effect rejected the Geneva Agreement by not carrying out one of its key provisions, Diem and the United States deprived themselves of any right to invoke the Geneva Agreement as a legal or moral sanction for the division of the country. With Diem's decision not to press for a plebiscite under international supervision even in "his own" southern part of the country, he forfeited—at least in Communist eyes—not only all claim to the kind of legitimacy that genuine popular endorsement would have provided, but also all claim to invoke the Geneva Conference's endorsement of the 17th Parallel as a basis for his own rule in the South. In effect he proclaimed *de facto* control—"possession is nine-tenths of the law"—as his sole basis of legitimacy.

<sup>6</sup> Philippe Devillers, "The Struggle for Unification of Vietnam," *China Quarterly*, No. 9 (1962), pp. 2-23.

In the same year—and this is a fact that very few Americans know, though it is of great importance to the villagers in South Vietnam who became members of the Viet Cong—Diem abolished the fine old semi-democratic Vietnamese system of electing village councils and mayors, which had survived even during the period of French rule. Both of these actions by Diem must have seemed to the Communists to be flagrantly anti-democratic, anti-Vietnamese, and a violation of the agreement on the basis of which they had laid down their arms: It was *after* both had occurred, in 1957, that the Viet Cong began their campaign of assassination of government-appointed officials in the villages. From their standpoint, the decisive acts of armed aggression against them occurred in 1956, and anything they have done since then has only been defensive.

2. *In the years between 1950 and 1954, when the United States was supplying money and arms on a large scale to the French, the French were fighting against a clear majority of the Vietnamese people.*

The years before 1954 represent another major blind spot in the thinking of most Americans, though they are probably ever present in the thinking of the Vietnamese Communists. For them those years were as terrible and as heroic as the years of World War II were for the Communists in the Soviet Union.

Few Americans realize that in 1945 and 1946, when the postwar world was settling down to its present division between East and West, Vietnam was not so divided. Instead, it was enjoying the first flush of what seemed to be independence from the rule of France, under Ho Chi Minh's leadership. Since he was a Communist, this meant that the boundary between the two worlds was at that time the boundary of Vietnam itself. Vietnam as a whole had in a sense "gone Communist" when it accepted Ho's leadership. It was, then, the West that stepped over the boundary and used force on the far side of it. France began then, and continued until 1954—with massive American financial help after 1950—to try to reimpose her rule. Although there was talk of a new autonomous role for the three states of Indochina within the French Union, the anti-French majority of the Vietnamese could be forgiven for regarding this war as naked aggression on the part of France, aided greatly by the United States. The term "imperialist," which sounds so strange in American ears when applied to ourselves, does not sound so strange in the ears of Vietnamese who regarded French rule as imperialist and had much reason to associate alien intruding Frenchmen with alien intruding Americans. As for the word "aggressor," it is difficult to escape the conclusion that, by any definition of the term, we were committing aggression in Vietnam from 1950 to 1954. We were financing the use of force on land that did not "belong" to us—or to the French—by any criterion that we would now accept, and we were doing it against what now clearly seems to have been a majority of the people.

On this last point we have the testimony of many people, including President Eisenhower. As he put it in a much-quoted passage, "I have never talked or corresponded with a person knowledgeable in Indochinese affairs who did not agree that had elections been held as of the time of the fighting, possibly 80 per cent of the populace would have voted for the Communist Ho Chi Minh as their leader rather than Chief of State Bao Dai."<sup>7</sup>

Since President Eisenhower's statement has often been misinterpreted it should be noted that he did not say that Ho Chi Minh

would probably have won by 80 per cent in the elections that Diem refused to hold in 1956. He said "possibly," he carefully said "had elections been held as of the time of the fighting," i.e., in 1954 or earlier, not in 1956, when Diem's prospect of victory would have been much brighter; and he specified as Ho's hypothetical opponent Bao Dai, who was generally regarded as a weak French stooge, rather than Diem, who at that time was regarded even by many of his enemies as an honest man and a staunch anti-French patriot. But on the point that is now at issue—whether the help we gave to the French was in effect a use of force against a majority of the Vietnamese people—President Eisenhower's statement would seem to be decisive.

Why did we do it? Our reasons were understandable if not valid. In 1950 the Communists had just won in China; they were starting the Korean war, and it looked as if desperate measures were necessary in order to keep all of East and Southeast Asia from succumbing to the Communist juggernaut. Perhaps President Truman was honest enough to say to himself that even aggression against the Vietnamese was justified by the magnitude of the emergency. If present-day Americans are able to be equally honest and to remember clearly the situation as it was then, it will help them to understand how present-day Vietnamese Communists could really regard us as aggressors.

3. *The Communist-led majority of the Vietnamese people had actually won their war for independence in 1954.*

Though they were supported to some extent by arms from China, the arms their enemies gained from the United States and from France were far more formidable. Consequently, one of the clearest indications that a large majority of the Vietnamese people did support Ho lies in the fact that his ragged, relatively poorly armed troops did finally win. The battle of Dienbienphu was decisive, and it was generally agreed at the time that if the Viet Minh had wanted to fight a few months more they could have had the whole country.

This is an important part of the psychological background of the Geneva Agreements, and of everything that has happened since. In this respect the situation was very different from the situation in Korea in 1945, when the boundary at the 38th Parallel was first established, or in Korea in 1953, when a military stalemate finally led to a new and roughly similar truce line. In 1953 there was a military stalemate in Korea and the Communists had no basis at all for setting their hearts on unifying the country on their terms. In Vietnam they did. The Vietnamese Communists and the many non-Communists who fought with them had every reason to feel that the prize for which they had struggled and sacrificed through nine heartbreaking years of war was finally theirs: a unified, independent country. Then, by what must have seemed to them a form of chicanery, with the fact of America appearing where the face of France had been, and with both Diem and John Foster Dulles blandly claiming that they were not bound by the decisions made at Geneva, a full half of the prize they felt they had fairly won was snatched from them.

Apart from any question of what the people want, then, the Vietnamese Communists have three additional reasons for feeling that South Vietnam "belongs" to them and not to the government established and maintained by us in Saigon: the artificial division of the country at the 17th Parallel was legally and morally invalid after 1956; their war for independence was supported by a large majority of the people; they won that war.

<sup>7</sup> Dwight D. Eisenhower, *Mandate for Change* (Garden City, N.Y.: Doubleday and Co., Inc., 1963), p. 372.

S 3762

## CONGRESSIONAL RECORD — SENATE

March 14, 1967

## FIVE REASONS WHY THEY THINK THE PEOPLE OF SOUTH VIETNAM ARE ON THEIR SIDE

Since Communists have repeatedly said that any people has a right to fight a "war of liberation" against colonial overlords, no matter how much the rule of the overlords may be sanctioned by tradition and legality, it is clear that their decisive criterion of "aggression" (if they are consistent with their official statements) must be whether "the people" oppose it or not. The following five types of evidence, of which they are probably much more aware than the average American, are therefore relevant to the question of their sincerity on this point.

1. *There are many reasons to think that Vietnamese nationalism is now mobilized, and has been mobilized for some twenty years, much more in favor of Ho Chi Minh than in favor of the French-backed or American-backed government in Saigon.*

In Vietnam, perhaps more than in any other developing country, the Communists have apparently succeeded in fusing Communism with nationalism, and especially with the cause of national unity. The long and finally victorious struggle against the French was conducted primarily under Communist leadership by peasants who regarded their leaders more as patriots than as Communists.<sup>1</sup> President Eisenhower's statement, quoted above, is very relevant here.<sup>2</sup>

It should be noted too that the more and more conspicuous role of America on the Saigon Government side since 1960 has been such as to mobilize the xenophobic nationalism of the Vietnamese in a new way. Since 1960 American aid to Saigon has become far greater and more obvious, while Chinese aid to the Communists has been on a much smaller scale. There are many big-nosed white faces now on the Government side of the war, while those on the Viet Cong side are authentically Vietnamese, even though now a considerable and very potent fraction of them have come down from the North. The Viet Cong guerrillas have been helped by their own countrymen, while the Government has incurred what is probably a much greater stigma by accepting massive help from white foreigners who cannot even speak Vietnamese.

2. *The peasants want land, and many of them have had land taken away from them by the Government.*

Although there is a village-centered peasant nationalism, it may well be that another motive—hunger—is even more basic in the typical peasant's make-up. He wants to safeguard the bowl of rice that represents his next meal, and the rice field that represents next year's meals for himself, his wife, and his children. From the standpoint of many peasants in the southern part of South Vietnam, especially the Mekong Delta, their rice and their rice fields have been under attack not only by the crop-destroying chemicals that have been dropped (in some areas) by Government planes, but also by the absentee landlords who have in many instances demanded between thirty and fifty per cent of the crop. This fact of absentee landlordism in the South is little known in the United States. It has been estimated that in South Vietnam proper (Cochin China, roughly the southern one-third of the country) only two per cent of the people owned forty-five per

cent of the land before 1945.<sup>3</sup> Land reform since then has not greatly changed the situation. Some has occurred under Diem and his successors, but it was preceded by a drastic reclaiming of land that the Viet Minh, when it was in control of large areas in South Vietnam, had given to the peasants outright. Land reform by the present government has been a pale imitation of land reform under the Communist-led Viet Minh.

3. *Probably much more physical suffering has been imposed on the peasants by the Government and its American allies than by the Viet Cong.*

On this point Americans have had misperceptions of two quite different kinds. On the one hand there is the misperception of those Americans who, shocked by occasional television pictures of weeping mothers, roughly handled prisoners, and deliberately burned villages, have failed to realize that the atrocities of the Viet Cong, less accessible to Western photographers and less vividly depicted, are just as real. Public disembowelment of "enemies of the people" and of their wives and children is only one of the revolting procedures employed by them, and it has seldom found its way to our American newspaper pages or television screens. On the other hand, there is the misperception of those Americans who, focusing primarily on the widely discussed Viet Cong assassinations of teachers, health workers, and Government-appointed village officials, have often remained ignorant of the highly probable fact that, because of the nature of guerrilla and counter-guerrilla war, the sheer volume of suffering inflicted by the Government has been considerably greater than that inflicted by the Viet Cong.

There are two reasons for this. The more familiar one is that the present process of using American firepower and mobility to break the back of the Viet Cong has meant—despite genuine efforts to minimize it—a large amount of killing, maiming, and sometimes napalming of villages who, whether "innocent" from our point of view or not, certainly regard themselves as innocent.<sup>4</sup> In a culture that values family loyalty as much as the Vietnamese culture does, this deeply affects not only those who have suffered from it themselves but also those who have seen a parent or other relative suffer or die.

The less familiar reason for it is that, in the conduct of counter-guerrilla operations, it is urgently necessary to obtain intelligence about the identity of the guerrilla fighters and where they are hiding. South Vietnamese soldiers have interpreted this as justifying a large-scale use of torture to obtain information not only from captured Viet Cong prisoners themselves but also from wives and relatives of men suspected of being in the Viet Cong. There is the water torture, the electric-current torture, the wire-cage torture—all widely used—and there are other kinds even less well-known in the United States (perhaps chiefly because of unofficial self-censorship by most of our information gatherers in Saigon) but well documented by observers such as Bernard Fall, Malcolm Browne, and Robin Moore.<sup>5</sup>

The ignorance and apathy of the great majority of the American public with regard to this ugliest aspect of the war represent in themselves a puzzling and very disturbing

psychological phenomenon. Bernard Fall in 1965 spoke about "the universally callous attitude taken by almost everybody toward the cruas and constant violations of the rules of war that have been taking place. . . . To me the moral problem which arises in Vietnam is that of torture and needless brutality to combatants and civilians alike."<sup>6</sup> But the fact of widely used torture has not been cited here as an accusation against the United States. As we have seen, some of the Viet Cong atrocities have been at least as bad. The direct participants in the torture have as a rule been South Vietnamese, not Americans, and during the past year (partly as a result of the article by Bernard Fall quoted above) the American military authorities have provided American troops with clear instructions not only as to the applicability of the 1949 Convention on the humane treatment of prisoners but also as to the long-run counterproductive character of the torturing of prisoners and their relatives. The fact is cited here because it provides such an emotionally compelling kernel of truth in the Communist case against the Saigon Government, as well as for the Communist thesis that the common people must hate that government. Simply by focusing on this and ignoring similar atrocities on the Communist side a Communist could arrive at that conclusion.

4. *There has been a great deal of inefficiency and corruption on the part of the local officials appointed by the Saigon Government.*

The tradition of exploitation and cheating of the peasants by Government-appointed officials is perhaps no worse than in a number of other Asian countries, including pre-Communist China; but it is very bad,<sup>7</sup> and it does contrast with the Viet Cong's tradition of comparative honesty and concern with the welfare of the rank-and-file peasants.<sup>8</sup> Inefficiency is also clearly very common, in contrast with the quite extraordinary efficiency (in some ways) of the Viet Cong; and in many relatively inaccessible villages the choice is not between the Viet Cong type of village government and that of the Saigon officials, but between Viet Cong government and virtually no government at all. In these villages the Viet Cong cadres fill a political vacuum and provide an alternative to anarchy. To be sure, they themselves have helped to produce the anarchy by assassinating Government-appointed village leaders. But their tactics have not been the only cause of anarchy, and they themselves are probably more aware, indeed inordinately aware, of their own comparative honesty and efficiency, which "must" bring the peasants over to their side.

None of this, it may be noted, is incompatible with the fact, now well documented, that in the years since 1963 the Viet Cong's high-handed methods of taxation and recruitment among the peasants have become more and more burdensome. The comparative honesty and efficiency of Viet Cong functionaries are linked with an essentially authoritarian attitude and a willingness to subordinate peasant welfare to the progress of the war. But in their minds the peasant's resentment of such tactics is probably underestimated, while his appreciation of their more positive contributions is probably overestimated.

5. *The Viet Cong has a record of remarkable military success against enormous ob-*

<sup>1</sup> Bernard Fall, *The Two Vietnams* (New York: Frederick A. Praeger, 1964), pp. 104-29; Ellen Hammer, *The Struggle for Indochina* (Stanford: Stanford University Press, 1954); Jean Lacouture, *Vietnam Between Two Truces* (New York: Random House, 1966), pp. 5, 8, and 32.

<sup>2</sup> On the importance and nature of Vietnamese nationalism, see George A. Carver, Jr., "The Real Revolution in South Vietnam," *Foreign Affairs*, Vol. XLIII, No. 3 (1965), especially pp. 399 and 403.

<sup>3</sup> Fall, *op. cit.*, pp. 308-11.

<sup>4</sup> Major-General Edward G. Lansdale, "Viet Nam: Do We Understand Revolution?" *Foreign Affairs*, Vol. XLIII, No. 1 (1964), p. 81.

<sup>5</sup> Bernard Fall, "Vietnam Blitz: A Report on the Impersonal War," *The New Republic*, Oct. 9, 1965, pp. 18-21; Malcolm W. Browne, *The New Face of War* (New York: Bobbs-Merrill, 1965), pp. 114-18; Robin Moore, *The Green Berets* (New York: Avon Books, 1965), pp. 44-50.

<sup>6</sup> Fall, *ibid.*, pp. 19-20.

<sup>7</sup> M. Mok, "In They Go—To the Reality of This War," *Life*, Nov. 26, 1965, p. 71.

<sup>8</sup> Malcolm Browne, *op. cit.*, pp. 121-28; Viet Cong Soldiers' Diaries, quoted in *The Vietnam Reader*, ed. by M. G. Raskin and Bernard Fall (New York: Random House, 1965), p. 227.

March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S3763

stacies, and it seems unlikely that such success could have been achieved without widespread popular support.

Americans sometimes forget or underestimate the great advantage that the anti-Communist forces have enjoyed from the standpoint of weapons, especially since America began in 1950 to give large-scale material help to the French. The total amount of such help has clearly been much greater than the material help the Viet Cong has received from the North. Moreover, few Americans realize that the rebellion did not begin in the part of South Vietnam near Laos and the Ho Chi Minh Trail, where an appreciable amount of help from the North might have been possible. It began primarily in the far South, in the Mekong Delta, where it was necessary to use mainly homemade or captured weapons. The rebels therefore had to make up in organization, dedication, and extent of popular support for the Government's great advantage in material equipment.<sup>18</sup> Still another fact frequently forgotten in America (or never learned) is that the rebellion began to a significant extent in 1967,<sup>19</sup> at least three years before its surprising success—with little outside help—led the Communist authorities in the North to give it a significant amount of material help.

It is true that one major compensating advantage possessed by the Viet Cong has been the tactical advantage of concealment and surprise that has led to the conventional estimate that counter-guerrilla forces must have a ten-to-one numerical superiority over guerrilla forces in order to defeat them. But what is sometimes forgotten is that the guerrillas' tactical advantage exists to this high degree only when they have the active support of most of the people (which they could hardly get by intimidation alone) in helping them to conceal themselves, in helping to supply them with the intelligence they need in order to have the full advantage of surprise, and in denying to the counter-guerrilla forces the same kind of intelligence.

Here too there are important counterarguments on the anti-Communist side. In particular the use of intimidation by the Viet Cong to clinch their hold on the peasants must account for much of the peasant co-operation that has occurred. But here again it is important to note that the Communists themselves are probably overinclined to discount or ignore those counterarguments. The military successes of the Viet Cong against far better armed opponents have been remarkable enough to enable Communists to say to themselves: "The people must be on our side."

There are at least five reasons, then, to think that the Communists believe most of the people are on their side: nationalistic resentment of intrusion by white Americans, land hunger, resentment of torture and other physical suffering caused by the Government, the corruption of officials, and the military success of the Viet Cong against great material odds.

Together with the three additional reasons reviewed earlier for thinking they feel that South Vietnam is part of "their" country, these five seem quite adequate to make it probable that doctrinaire Communists, already predisposed against the United States, do believe it when they call us "aggressors." However mistaken this proposition may be (and I happen to think it is largely mistaken, on the basis of evidence

that has hardly been touched upon here), the Communists probably believe it is true.<sup>20</sup>

## A SENSIBLE AND HONORABLE COMPROMISE

The preceding discussion is a diagnosis of the problem, not a prescription for its solution. In the light of this diagnosis, though, my own feeling is that the most sensible and honorable policy for the United States is to seek a compromise peace. It is the only kind of peace that would allow both sides to feel that they had preserved from the aggressor's grasp the bare essentials of what they were fighting to defend.

It could take various forms. One is a coalition government, with efforts by other countries to keep the coalition from being dominated by the organized, dedicated Communist minority within it. Such a coalition could be the outcome of negotiations, if genuine negotiations become possible, or it might conceivably be set up by our side unilaterally, with a real effort to give the Viet Cong and all other elements of the population power commensurate with their actual strength. Or it could take the form of a partition of the South along lines reflecting the balance of military power at the time the partition occurs. This too could be done with negotiations if possible, but without negotiations if necessary—unilaterally, by a decision to concentrate our military strength on consolidating non-Communist control of large contiguous areas (not small "enclaves") while withdrawing from overexposed, hard-to-hold areas elsewhere. Free migration into and out of each area might follow, as it did in the partition that followed the 1954 agreement.

As to the relative merits of different types of compromise peace there are complex pro's and con's, and this is not the place to discuss them. What is argued here is that a search for some feasible form of compromise peace is the only sensible and honorable policy for the United States.

When each side believes the other to be the aggressor, both are sure to regard any compromise as unsatisfactory, since each will see a compromise as granting to the aggressor some part of his ill-gotten gains. Each wants to ensure that the aggressor is not rewarded by any expansion whatsoever. In this case, for instance, we Americans and our Vietnamese allies would hate to accept a compromise that we defined as granting to the Communists any expansion of power, either by gaining some land south of the 17th Parallel or by gaining some power in a coalition government. The Communists would similarly regard with dismay a compromise peace that left the American "aggressors" still firmly ensconced on Vietnamese soil and still (as they would see it) ruling a large part of the country through their lackeys in Saigon. To them it would seem like a bitter and futile end to their twenty years of struggle to drive the alien white intruders into the sea.

As long as both sides rigidly adhere to this principle, a compromise is clearly impossible. However, if there is no clear break in the present military stalemate and the bloody, inhuman war continues with no end in sight, each side may lower its sights and begin to consider seriously whether some form of compromise would necessarily be cowardly and dishonorable. Probably both sides would even then be grimly determined never to surrender. "Surrender is unthinkable." But each side might become aware

that it had a hierarchy of preferences. Three choices might emerge instead of only two: surrender (unthinkable), a compromise peace, and unending war, instead of surrender (unthinkable) and victory. Among these three choices a compromise peace might then seem the least intolerable.

What are the bare essentials of what each side is fighting to defend? Are they incompatible? Or would it be possible for both sides simultaneously to preserve what they care about most?

On our side, it seems to me, there are two things that a large majority of the American people regard as essential: to avoid a significant "domino" process in other parts of the world, and to preserve a tolerable life for our anti-Communist friends in Vietnam. The first of these is believed to be a matter of defending both freedom and peace: the freedom of other countries that are vulnerable to the Chinese strategy of takeover by "wars of liberation," and the peace that would be endangered elsewhere if a Communist victory in Vietnam led Communists everywhere to be more aggressive. The second is more a matter of honor and commitment. We feel that our words and actions have established a commitment to our anti-Communist allies, and that if we abandoned them to the untender mercies of the Viet Cong we would be doing a shameful thing. The validity of these two points will not be debated here; it is necessary only to recognize that most of the Americans who would be involved in the decision do care about both of them, and care deeply.

On the Communist side there are as yet no verbal indications of a hierarchy of preferences. On the surface there is only a fervent, monolithic insistence that the American aggressors must be wholly eliminated from the scene; and since we feel that any complete withdrawal by us would both accentuate the domino process and leave our anti-Communist friends helpless in the face of the organized, dedicated, vengeful Viet Cong, there is little chance of a compromise on this basis. It seems likely, though, that beneath the surface they do have a hierarchy of preferences. Perhaps, if convinced that the alternative is not victory but unending war, they would prefer peace with undisturbed control of some large fraction (say a half) of the population of South Vietnam. This would mean that they could stay alive, go back to the increasingly urgent business of cultivating their rice paddies, and preserve the way of life in which they have invested so much effort and sacrifice. The Communists in the North would be spared further bombing and the danger of a wider war, and although they would have failed in their great objective of unifying the country under their own control, they could salvage some pride in the thought that they had held their own against a much more powerful aggressor.

On each side, then, a compromise peace might be interpreted as salvaging the bare essentials of what that side was fighting to defend. It therefore seems psychologically feasible if we pursue it intelligently and persistently.

It also seems more honorable than any other alternative. By keeping the American flag flying in South Vietnam and stubbornly refusing to retreat from our present power position we would be balancing the power of Communist China on its periphery and fulfilling our obligation to the small non-Communist countries that are threatened by Communist takeover. We would also be fulfilling our obligation to preserve the life and livelihood of our non-Communist friends in Vietnam itself. But if we attempted by force of arms to conquer the parts of South Vietnam in which most of the people regard us as alien aggressors—and the evidence sug-

<sup>20</sup> Douglas Pike, *Viet Cong* (Cambridge, Mass.: M.I.T. Press, 1966), p. 378. Although Pike is very skeptical of the proposition that most of the people support the Viet Cong, he speaks of the party's "mystic belief in the power and loyalty of the people." Italics added.

<sup>18</sup> Fall, *The Two Vietnams*, p. 317; Lacouture, *op. cit.*, pp. 21-23.

<sup>19</sup> Carver, *op. cit.*, p. 408.

S 3764

## CONGRESSIONAL RECORD — SENATE

March 14, 1967

gests that a very large proportion of the people in certain areas see us in that light—we would be in conflict with the principle of self-determination. It is not in the American tradition to impose abject surrender on brave men who believe, rightly or wrongly, that they are defending their homeland against aggression by us.

Mr. MORSE. I find no relevancy in the argument of the Senator from South Dakota and other Senators that a reservation should be attached to this treaty because American boys are being killed in South Vietnam. As I said earlier this afternoon, our rejection of the treaty will not stop the killing. In my judgment, it will make the situation in foreign policy much more tense. What we should be concerned about is whether or not we are going to continue such a wrongful course in Vietnam that we finally end up with China and Russia coming into the war, and increasing thousands of American boys being killed.

You are not going to protect the boys in Vietnam by turning your back to Russia and walking the other way because she is aiding the North Vietnamese and the Vietcong. We do not like to face up to it. She has every right to aid them, because we have moved over there with over 400,000 American troops. We are infiltrating every week, intensifying the escalation, and we are drawing the issue with the Communist world. For us to say they will have to do what we say, rather than taking the position that you have to work out a negotiated settlement and stop your killing and stop your escalating—that is the question with which we have to deal.

For us to say, "Russia, you have to stop aiding North Vietnam and the Vietcong, but we, the United States, with our holier-than-thou attitude, have the right to infiltrate and to aggress and to send over there increasing numbers of American boys to be slaughtered," is a shocking, hypocritical attitude, as history will record against us.

Well, I am proud that it has never been done with my vote, and it is not going to be done with my vote, because I am not going to have the blood of those American boys on my hands.

We should change our course of action, stop the escalating, and attempt to work out a multilateral arrangement with the other countries of the world, to find a basis for a negotiated settlement.

I close by saying that whoever manages to attach a reservation or an understanding to this convention will indeed have a place in history. He will be known as the killer of the Consular Convention, and this is a place in history not to be sought lightly.

We have a job of statesmanship to do in connection with this treaty, so that the finger never can be pointed at us, that in this critical time of world history we decided to walk in the opposite direction from Russia, when what is needed is to increase the intercourse of diplomacy with Russia, to the end that we can find some way, with honor, to bring about a multilateral negotiation for the settlement of the war in South Vietnam which is so unjustifiably killing increasing numbers of American boys week by week.

Mr. SPARKMAN. Mr. President, I understand that the Senator from South Dakota (Mr. MURK) has used 22 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. SPARKMAN. And we have used 12 minutes.

The PRESIDING OFFICER. Fourteen minutes.

Mr. SPARKMAN. In order that we may start off evenly tomorrow, I yield back 8 minutes, to give us the same amount of time tomorrow.

Mr. President, I believe that under the previous unanimous-consent request, the Senator from Nebraska (Mr. HAUSSKA) is entitled to speak for such time as he desires. I understand that the Senator will not speak on the treaty, and the time is not to be charged to either side.

The PRESIDING OFFICER. The Senator is correct.

#### PIECEMEAL APPROACH TO UNITED STATES-SOVIET RELATIONS

Mr. HRUSKA. Mr. President, recently in remarks in this Chamber, I pointed out the fallacies in a piecemeal approach to the treaties and legislation which deal intimately with our entire posture in relations with the Communist bloc. Currently we can anticipate that the Consular Treaty, the Open Space Treaty, and East-West trade legislation will be coming before us this session. Even a cursory glance at the scope of these three items indicates the far-reaching effect which this package will have on our foreign policy. While each of us can applaud the concept of "building bridges" between the nations of the world, prudence would seem to require that before even the first stone is laid in the foundation of this bridge we must insure that the completed structure will accommodate two-way traffic. If all of the benefit is to flow in one direction only—that is, to Russia—we must know before we authorize the construction.

In an effort to aid in placing this dialog in the proper context, I would like to examine in some detail the underlying premise of the "bridge builders." The entire underpinnings of their structure are resting on their belief that there is a new outlook within the Soviet Union. I feel that a closer look at the facts is indicated.

This year marks the 50th anniversary year of the Bolshevik Revolution in Russia. Despite the general conviction that the Bolsheviks of 1917 were "crackpots" who would soon succumb to the realities of power, and who would soon become sober when faced with the responsibilities of creating a viable government, communism has expanded radically in the half century since the revolution. For these 50 years there have been alternating currents of optimism and pessimism in the West concerning the future course of the Soviet Union. A brief look at history reveals these currents:

In 1921, after 3 years of a futile attempt to put into practice the principles of communism as an operational scheme, the Communists announced a "New Economic Policy"—NEP. Under the new

economic policy, the Soviet Union sought a retrenchment, and returned to a limited form of private enterprise. The reaction in the West was one of optimism; American businessmen, perceiving substantial commercial opportunities under this new Soviet attitude, immediately plunged into competition to secure those markets. The new economic policy lasted for 7 years, and was followed by a sudden return to collectivism, accompanied by terrorism of the most extreme form. The early optimism of most Western observers clearly was not justified by the events that followed. The transition from NEP to the period of collectivization was viewed by some in the West as a "necessary adjustment after a period of severe economic and social dislocation." Some rationalized the mass extinction of the million of wealthy peasants and businessmen which had been created as a result of the new economic policy, arguing that the West should attempt to understand the peculiar conditions prevailing in the Soviet Union as it sought to create its own industrial revolution.

Then, in 1935, as the Communists officially adopted a policy of cooperation with others under the general heading of the "united front," a fresh wave of optimism swept through the West. It was assumed that, since the Communists had decided to drop the barriers of isolation which they themselves had created, they would, through prolonged contact with non-Communists, eventually find their ideological fervor diluted when confronted with political reality. The united front, of course, turned out to be nothing more than a breathing space for the Communists, who saw in the growth of fascism in Western Europe a distinct threat to their future. The period of the united front included the alliance with Hitler which was subsequently broken by the Nazi invasion of the Soviet Union in June 1941, and extended through World War II, paying important dividends for the Communists. Assuming that the Soviet Union would join in efforts to create a peaceful and constructive world order, many in the United States felt that there were real possibilities for East-West cooperation. The opposite soon proved to be true, as the cold war began on the heels of the armistice in Europe and Asia.

For 8 years following World War II, until the death of Stalin in 1953, the Soviet Union intensified its cold war policies and stressed the differences separating Communist and non-Communist societies. With the rise to power of Khrushchev, optimism again became the order of the day. Khrushchev, a Ukrainian peasant, was judged to be a pragmatist and not a revolutionary, a man with whom "one could do business." The wave of optimism was significantly strengthened by Khrushchev's famous "de-Stalinization" speech at the 20th Congress of the CPSU in February 1956. It was reinforced by still other waves of optimism arising from the "Spirit of Geneva," and the "Spirit of Camp David." Punctuated only by such unpleasant events as the series of threats to free Berlin, the suppression of the



March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S 3765

East German, Polish, and Hungarian Revolutions, the spirit of optimism prevailed.

In 1963, optimism reached its highest peak, with the signing of the limited test ban treaty and the beginning of the "relaxation of tensions," or detente.

The analysis of these events proves at least two things: First, the optimists have nearly always been wrong concerning Soviet intentions; and second, the threat has not diminished, but has been successively intensified—politically, economically, and now militarily. That is to say, the threat has intensified strategically—the overall threat has become greater, not less.

But the most fundamental change in our attitude toward the Communist movement has come in the last 4 years, with the development of what has been called the detente. The events of the detente have produced what one may call a detente mentality. This has become a dominant mentality, one which influences the bulk of research and writing on the "relaxation of tensions" that has developed between the United States and the Soviet Union. In brief, the detente mentality is a state of mind which places above all other considerations the desire to resolve our differences with the Soviet Union, even if this should require that fundamental concessions must be made on our part to achieve that goal. There is, for example, a body of opinion which now holds that any measures the United States takes to strengthen its own security interests will serve to damage the further progress of the detente with the Soviet Union, and will therefore tend to encourage so-called hardline leaders in the Kremlin. Thus, even in the field of national security, the United States should refrain from taking actions which would "upset" the current "moderate" Soviet leadership.

Numerous reasons have been given for the development of the detente. They can be analyzed by examining the six major arguments:

First. It is alleged that the Soviet Union, faced with increasing difficulties in its relations with Communist China, and seeing in Communist China a distinct threat to its own security, has been forced to turn westward to seek aid in managing the Chinese problem.

It would certainly be imprudent if one were not to recognize that fundamental difficulties do affect Sino-Soviet relations, but the Sino-Soviet split cannot be said to be irreparable. Already there are signs that, should Mao Tse-tung and his allies be deposed, a more practical and sensible regime may come to power in China, thereby increasing the chances of a rapprochement with the Soviet Union.

Second. It is alleged that the Soviet Union, as a result of its retreat during the Cuban missile crisis, realized that it could no longer hope to match the strategic power of the United States. It is further alleged that this admission forced the Soviet Union to "come to terms" with the United States.

Third. It is alleged that the disappointments which Communists have encountered in attempting to increase

revolutionary activity throughout the world have demonstrated clearly that Communist ideology is no longer workable and that it will not yield dividends. As a result, this argument holds that the Soviets have returned to realpolitik in world affairs. This means that the Soviet Union will henceforth begin to conduct its relations with others in terms of enlightened self-interest, and not on the basis of revolutionary demands imposed by Communist ideology. At the same time, the transition to realpolitik is taken to mean that ideology has been discarded as an influential component of policymaking. Only Communist China any longer needs the demands of ideology. The logical conclusion to be drawn from this theory is that the Soviet Union no longer believes in the feasibility of achieving worldwide rule, and will now settle back into the conventional patterns of international politics observed by traditional nation states.

Fourth. It is alleged that the Soviet Union sought the detente in order to meet rising demands from its citizens. The satisfaction of these demands was to be accomplished through an expansion of consumer goods production. It is also alleged that the new emphasis of Soviet production upon consumer goods has brought about a sort of "economic rationalism" in the Soviet economy, and has forced the Soviet Union to adopt certain capitalist techniques. The persistence and integration of capitalist techniques is further alleged to have had a significant impact upon the overall thinking of Communist planners. Some have predicted that the techniques and practices are here to stay, and will eventually force the Soviet Union more and more toward acceptance of a form of capitalism. As the Soviet Union embarks upon a capitalist path, it is argued that it will perceive to an even greater extent that external aggression and revolution are incompatible with the goal of satisfying the wants and needs of the Soviet people.

Fifth. It is alleged that the growing independence of the Eastern European Communist countries has convinced the Soviet Union that it cannot maintain an empire in which its own power is the final determinant. Polycentricism, as the loosening process is known, has had a powerful feedback effect upon the Soviet Union, forcing the Soviet leadership to place less stress upon revolution and more stress upon evolution toward well-being and self-sufficiency. If this trend persists, it is argued, the countries of Eastern Europe will gradually slip closer to the West and possibly will eventually be in a position to detach themselves completely from Soviet influence. This will, it is argued, make for a more peaceful world.

Sixth. It is alleged that, following the many years of Stalinist terror, "liberalization" is the only path which the Soviet leadership can now follow. This is also said to be true with respect to Eastern Europe, where definite signs of a slackening of arbitrary police terror have been apparent for some time. Oddly enough, Rumania, often alleged to be the prime example of liberaliza-

tion, remains one of the strictest totalitarian Communist states in the entire bloc.

Proponents of the detente hold that these "important developments" within the world Communist movement called for new U.S. policy initiatives. Accordingly, following the Cuban missile crisis certain new assumptions were made concerning the future course of United States-Soviet relations. The assumptions, which became the basis for new policies, were: First, the motivating principle of U.S.-Soviet relations should be one of interdependence. Interdependence between the United States and the Soviet Union is understood to mean the creation of common interests shared by both countries and stress by each upon these interests held in common as opposed to stress upon the differences between the two systems. If a period of interdependence could be sufficiently protracted, it was felt, reality would compel both countries to pursue a course of active convergence; second, simply stated, convergence is taken to mean that the Soviet Union will gradually drift—more or less steadily—toward capitalism, while the United States will drift—more or less steadily—toward communism. At some future point, as yet undetermined, the two societies will come to share common goals and values. On this basis, the two nations will perceive a clear need for, and, therefore, a compulsion to, joint action to insure world peace and the betterment of mankind.

According to the proponents of the theories of interdependence and convergence, the Soviet Union must have continual reassurance from the United States concerning its intentions. Specifically, the United States must give assurance that its intentions are peaceful, and that it does not in fact intend to engage in aggressive activities against the Soviet Union. Some extreme proponents of this point of view go so far as to argue that the United States must not engage in "provocative actions," which would only serve as a deterrent to the further development of peaceful and proper relations between the United States and the Soviet Union. "Provocative actions" are understood to include such items as an increase in U.S. strategic superiority, and the building of an antiballistic missile system. This latter, a question of critical importance in current and projected U.S. policymaking, has become the subject of heated debate here in the Congress, within the executive branch and in certain journalistic circles. Opponents of an ABM system who consider it to be provocative include the journalist Walter Lippmann, the scientist Jerome Wiesner, former Science Adviser to President Kennedy, and Roswell Gilpatric, Deputy Secretary of Defense under Presidents Kennedy and Johnson.

According to the proponents of these theories, Soviet intentions are centered on the declaration that the Soviet Union wishes to live in "peaceful coexistence" with the rest of the world, principally with the United States and its Western allies. The crux of the argument, however, rests on an understanding of the term "peaceful coexistence." If peaceful coexistence is understood by both sides

S 3766

## CONGRESSIONAL RECORD—SENATE

March 14, 1967

to be a desired state of affairs in which the principle of noninterference in the affairs of others is strictly observed, then the possibilities for a settlement of the cold war and an ensuing period of peace are indeed great. However, the record of experience, and particularly the experience of the past six years, indicates clearly that the Soviets and their allies place a quite different construction on the meaning of "peaceful coexistence." In short, for them it represents a complex strategic doctrine designed to further the deterioration of Western strength and influences, and to augment the strength of the Communist bloc.

The net intention of the peaceful coexistence strategy is to provide an "umbrella" which allows for all actions short of direct conflict or nuclear war between the two super powers and/or their allies, while at the same time providing ample opportunity for all forms of sublimated warfare in an effort to steadily erode the will and the capability of the West to resist the inevitable tide of history; that is, the "world revolution" which Communists have so long proclaimed as their principal goal. The "world revolution," of course, involves the complete destruction—not necessarily in the physical sense—of non-Communist governments everywhere. Those who disagree with this interpretation feel that the Soviet Union has honestly expressed its desire for peaceful coexistence on a live-and-let-live basis, and that over a prolonged period of time, the Soviet Union will gradually settle down and accept the status quo without attempting to alter boundaries, upset and subvert other governments, and increase its strategic strength with the aim of intimidating or actually seeking to defeat the West.

The argument, therefore, hinges on two radically different interpretations of Soviet strategy under conditions of "peaceful coexistence." An interesting guideline in the debate on the nature of Soviet peaceful coexistence strategy in the definition provided by former Premier Nikita Khrushchev in the famous January 6, 1961, speech, in which he declared peaceful coexistence to be "a form of intense economic, political, and ideological struggle—against the aggressive forces of imperialism in the international arena." This doctrine has not been altered since the removal of Khrushchev from power, but, on the contrary, has been reaffirmed in every major pronouncement made by the present Soviet leadership of Brezhnev and Kosygin.

In this connection, we should take note that the Soviet Union and its allies in the world Communist movement place heavy stress upon the Declaration of the Twelve Communist and Workers Parties of 1957 and the Statement of the 81 Communist and Workers Parties of 1960, documents of major importance which define the strategy and tactics of the "present epoch." The Soviets have repeatedly insisted—most noticeably in recent months—on the continuing validity of these documents, despite the fact that they were written at the direction of Khrushchev and that a considerable period of time has elapsed since their publication. It would be most instructive

for policymakers, both in the Congress and the Executive, and for others who study Communist affairs today to review these two major documents which, it should be noted, were signed by Communist China. The interpretation of both documents has become the subject of numerous disputes in the ideological polemics between the Soviet Union and Communist China.

Finally, it should be noted that under conditions of peaceful coexistence, the bulk of the Communist movement—that is, today, the overwhelming majority of Communist Parties, which support the Soviet line as opposed to the Chinese line—constantly predicts that it will "win." It views the tide of history as running in favor of the Communist movement and directly counter to the interests of the United States and other Western "imperialists," and feels that the inevitable force of history will "sweep upon the rubbish heap" all forms of opposition to communism. Whether Communists actually believe that there is a tide of history carrying them to "victory" is a matter of dispute among students of international communism. However, since public pronouncement, declarations, speeches, and other documents are more often than not a reliable index of the intentions of nations, it behooves the West not to dismiss lightly what may at first glance appear to be mere propagandistic declarations of the Communists.

Having described in some detail the principal theories and assumptions concerning the detente, it is now legitimate to ask: Are these theories and assumptions valid? What, in fact, has happened as a result of the detente?

First, the proponents of the detente in the Kennedy and Johnson administrations—as well as their academic advisers—have felt that if the detente is stretched out for a sufficiently long period of time, their assumptions will have been validated, and the Soviet Union will have embarked upon a path of meaningful, constructive, and progressive change.

In fact, the experience of the detente indicates precisely the contrary. The Soviet Union has traditionally mixed policies of aggression with peaceful declarations. In this instance, it followed a policy of relaxation vis-a-vis Western Europe and the United States, but at the same time stepped up subversion and assistance to revolutionary activity in the under-developed world—most noticeably in Vietnam. The Soviet Union and its allies have sought to utilize the detente not to satisfy consumer needs, and not simply to develop a better form of life for the Soviet people, but to build up the power sectors of their economies. That is to say, they have used the detente to build up their strategic strength. The anti-ballistic system now being deployed in certain areas of the Soviet Union is a case in point, and demonstrates the validity of the thesis that from the very beginning the Soviets looked upon the detente as a "breathing space" during which they could compensate for their strategic inferiority to the United States.

In the process of enhancing its overall strategic strength, the Soviet Union has sought to enlist the West to help them

perform this task through increased trade, financed principally by long-term credits. The Soviet Union has vigorously expanded and modernized its merchant fleet to a point where, within 5 years, it could be in a position of superiority on the high seas. The same applies to the development of the Soviet submarine fleet, which is acknowledged to be a potential threat of the first magnitude to free world superiority on the high seas. At the same time, the Soviet Union has radically expanded its scheduled and non-scheduled air operations, principally to Africa, and other under-developed regions of the world. The intention is to establish a firm "commercial" foothold in the underdeveloped world, which could at a later date serve as an important means of access to regions which have experienced civil, religious, and tribal warfare and in which there are signs of more not less, instability and backsliding.

With respect to the international Communist movement, the Soviet Union has suffered somewhat by a general loosening and relaxation of discipline within the ranks. There can be no doubt that the differences between the Soviet Union and Communist China are indeed real, but it cannot now be assumed—especially with the current upheaval in China—that the Soviet Union and Communist China will never be able to repair their outstanding differences. Certainly, the international Communist movement will never be the same as it was in the days of Stalin, if only because prevailing conditions have forced the alteration of the structure and hierarchy in the movement.

Polycentricism does not mean the breakup and demise of the entire Communist movement. It does not make sense to assume that since the Communist movement is divided into pro-Chinese and pro-Soviet factions, its overall strength and effectiveness are automatically impaired. In point of fact, Sino-Soviet differences may well serve to increase demands upon U.S. strategy, if only because we would be forced to deal with two radically different strategies, each pursued with equal vigor by its respective proponents. It is important to keep in mind that there are now over 90 Communist Parties operating in the world with a claimed membership of 50 million, and with only a few exceptions membership in the Communist Party organizations has steadily increased in recent years. Most of the Communist Parties of the world support Moscow, and this support is reflected by across-the-board agreement with the dominant Soviet line.

Even faced with a major split with the Chinese, the Soviets have brought about a remarkable degree of consolidation in the ranks of its own supporters. Outstanding evidence supporting this thesis is the recently established tricontinental movement, the result of a meeting in Havana in January 1966. It is useful to recall that the many resolutions of the Tricontinental Conference were agreed upon by both Chinese and Soviet representatives.

Without a doubt, the Soviet Union still has as a primary objective the dis-

March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S3767

solution of allied unity, principally through the breakup of NATO and the expansion of bilateral contacts. In the past, the Soviets have always preferred individual diplomatic relations over group diplomacy, realizing that single countries are more vulnerable to persuasive argumentation than would be the case if the Western partners presented a united front. The rationale is quite simple: it is easier to "pick off" countries on a one by one basis.

What problems will face the United States in the immediate and long-range future? This Senator argues here that the Communist threat to the free world has become greater and not less; that the increased threat is not just military, or political, or economic, but all of these—a strategic threat.

There is, of course, the important issue of our own defense capabilities and the apparent Soviet advances in antiballistic missile defense. Opponents of the construction of a U.S. ABM defense system to offset that which the Soviets are now deploying argue that the Soviet decision to go ahead with the ABM represents a continuation of "traditional" Soviet emphasis of defensive strategy. They argue that, should the United States now attempt to develop and deploy its own system, another useless and wasteful upward spiral in the arms race will inevitably follow. They further argue that the United States, through increased efforts in its own offensive capabilities, can compensate for the Soviet ABM system, which will still allow the United States to maintain the initiative by possessing an effective deterrent.

But few have considered the other side of the coin; if the Soviet system now being deployed is in fact effective, then it is not just "defensive." On the contrary, it assumes a most important offensive character because of its psychological and strategic significance, and on the basis of our past experience we can be sure that the Soviets will exploit every psychological advantage accruing to it from an ABM system. Imagine, if you will, a repetition of the Cuban missile crisis, and a decisive threat to U.S. security interests. How credible would be our crisis threat to devastate the Soviet Union if the Soviet Union has what it considered to be an effective defense against anything we might send their way? What if our own planners actually believed that the Soviet defense were at least partially effective, and therefore presented an acceptable risk to Soviet leaders? Up to now, we have calculated that nuclear war is both unlikely and unthinkable, but this calculation would have to be discarded if we were led to believe that war would become acceptable to the enemy under certain circumstances.

Linked to the question of Soviet military capabilities on the one side, and to the issue of increased wars of national liberation on the other, is the subject of expanded East-West trade.

We know that the Soviet economy has demonstrated a remarkable capacity for being inefficient. There is no doubt that Soviet economic techniques and produc-

tive capabilities are getting better, but inefficiency remains very much a characteristic of the Soviet system. It takes the Soviet Union from 2 to 20 times the amount of resources to produce many items which we produce. To the extent that the Soviet Union and its allies are able to procure from us items for which cost to them is substantially greater, to that extent they are able to reallocate their limited resources. The basic question becomes: How are these resources reallocated? The proponents of the detente argue that the Soviet Union seeks only to reallocate resources to strengthen its industrial base, primarily for the purpose of making life more tolerable for Soviet citizens. The opposing argument is that the Soviet Union reallocates its resources under the detente for the purpose of increasing defense spending—that is to say, to increase the power sector of the economy—and for the purpose of research and development on other more advanced weapons systems. Again, the record of experience clearly supports the argument that resource reallocation is made to strengthen above all the power sector of the Soviet economy.

It seems relatively clear that what a small number of students of Communist affairs were predicting 3 years ago—that is, that the Soviet Union would use the detente for the purpose of increasing its military strength—has now happened. Several years ago, as the first steps in the detente were taken, it was extremely unpopular to speak of ignoble Soviet intentions. If it is true that the Soviets have, in fact, used the detente to increase their strength vis-a-vis the West, then the assumptions of the past two administrations concerning Soviet intentions have been wrong. The proof is in the concrete evidence available to us today.

The conclusion seems unmistakable: by expanding trade with the Soviet Union and with Eastern Europe, the West helps to reinforce the enemy's strategic power, and in the short term is freeing the resources of the Soviet Union for the continued production and deployment of an ABM system, and for work on other and more advanced weapon systems.

Strong arguments are advanced for the expansion of East-West trade, and these must be considered on their merits. Behind the move to expand such trade is a conviction that highly industrialized and sophisticated and affluent societies do not tend to act aggressively. This assumes that the basis for conflict can be found principally in the material conditions of life, and that once those material conditions are adequately secured, the temptation to engage in adventurist foreign moves and the promotion of revolution loses its significance and appeal. As one British spokesman put it, "fat Communists are less dangerous than lean ones." The notion that affluent societies do not act aggressively is unsupported by the example of Nazi Germany. It was Germany which, although it possessed a high standard of living, launched a war because its ideology and its Fuehrer demanded war.

The proponents of expanded trade also argue that trade increases Soviet and East European dependence upon the

West. If the Soviets and other Communist countries can be made dependent upon American sources of supply, they say, we will then be in a position to achieve certain political considerations as conditions for the continuation of that trade. It is felt that the value of the trade will far outweigh the gains to the Soviet Union which might accrue from increased revolutionary activity abroad, and that in order to assure the continuation of the trade Communists will tend to relax such activity.

Moreover, expanded East-West trade is alleged to be a means of demonstrating good will. Since, it is argued, there exists in present American-Soviet relations an extraordinary amount of distrust and mutual suspicion, the vehicle of trade will tend to break down these undesirable characteristics, and a clearer understanding of the true motives of the United States can be made apparent to the Soviet leadership. That we have on countless occasions in the past made concrete demonstrations of our own good will toward the Soviet Union is a fact which goes largely ignored by the proponents of East-West trade. To date, for example, the Soviets have underscored their own unwillingness to make good on \$11 billion worth of wartime lend-lease. Too, our own generous offer to the Soviet Union and East European Communist countries to participate on an equal basis in the Marshall plan following World War II was rejected as a "device" to trick the Communist countries into some form of dependence on "Western imperialism." What the proponents of expanded East-West trade often ignore is that, in order for relations to be put on a mutually advantageous basis, good will must be demonstrated by both sides. Since our own foreign policy goals are based upon intrinsic good will toward all countries, there seems to be little reason in the argument that good will will be the by-product of more trade. There are other areas in which good will could be demonstrated by the other side as a concrete expression of willingness to cooperate in making the world more secure. Far from manifesting good will, the Communists repeatedly underscore their own desire to "win" over us, to defeat us thoroughly, and to see us "buried." The latter statement has been rationalized by those who share the detente mentality as a misunderstanding on our part, or a slip of the tongue by its author, Khrushchev. That such is not the case is clearly indicated by the mountains of evidence which have accumulated in Communist documents and other Communist sources over the past years.

It is also argued that the trade which the Soviet Union wants and needs pertains strictly to "peaceful goods", that is to say, they are more interested in nonstrategic items as opposed to strategic items. Trade in the area of nonstrategic items, it is alleged, can only have a beneficial effect upon our own current balance-of-payments problems, and will at the same time serve to reduce the gold supply of the Soviet Union. It is on this crucial problem that opinions concerning East-West trade differ most radically. To some, there is a clear di-

S 3763

CONGRESSIONAL RECORD — SENATE

March 14, 1967

viding line between what is strategic and what is nonstrategic, and trade in the latter area is beneficial and essentially harmless to U.S. national security interests. Therefore, the opposing argument holds that whatever a totalitarian and conflict-oriented economy such as that of the Soviet Union wants and needs is ipso facto strategic, and hence, harms our long-range security interests. Therefore, for those who assume that the Soviet Union has in fact changed and has embarked upon a protracted period of peaceful activity throughout the world, the decision to trade makes sense. On the other hand, those who rely on past experience to form judgments concerning the utility of East-West trade hold that all trade with the Soviet Union serves to strengthen only the power sector of the economy and is therefore in direct contradiction to the security interests of the free world.

Perhaps the most important of all arguments advanced in support of expanded East-West trade is that trade will become a vehicle to assist us in achieving certain political goals vis-a-vis the Communist nations. The Johnson administration maintains that, through its policy of building bridges to the Eastern European countries and to the Soviet Union itself, a lasting solution of cold war conflict may become a reality. It argues that, should the Congress of the United States refuse to allow the administration to pursue its political goals through the medium of trade with the Communist nations, then the causes of the cold war cannot easily be eliminated. In fact, it is argued that the refusal to grant long-term credits to the Soviet Union and to abolish certain key items on the restricted list of items to be traded with the Communist nations seriously impedes the "final solution" of the cold war. Certain administration spokesmen have therefore branded those who criticize the administration's decision to expand trade as "irresponsible," "reactionary," and "pigheaded." When the debate degenerates to unreasonable polemics of this kind, the real issues involved tend to become obscured.

If we were in fact prepared to pursue, in the most consistent and dynamic fashion certain political objectives vis-a-vis Eastern Europe and the Soviet Union in return for expanded East-West trade, then a very strong case could be made for a cautious and systematic expansion of the trade pattern with those nations. Thus, if we are prepared to make certain precise demands upon those countries which want and need our trade and the credits necessary to support that trade, then our objectives should be clearly spelled out to the Congress of the United States and to the American people. Mere expansion of trade without accompanying concrete political goals will come to nought. Only the interests of the Communists will be served if we are not in fact able to achieve the political objectives which the Administration currently promises. The record clearly shows, however, that since 1961 the administrations have used the argument that political objectives can be achieved by means of East-West trade,

but never actually executed the necessary maneuvers to achieve the goals stated and used as a rationale for the expansion of trade. Today, these arguments persist, and the administration charges those who oppose the expansion with being "backward." Once the political goals are carefully spelled out and announced to all concerned, then the issue of expanded trade becomes a live one worthy of consideration. As long as the goals are not announced, there is no point in simply continuing the efforts to expand the productive capabilities of the Soviet Union and the Communist countries while receiving nothing in return.

To achieve political goals by means of expanded East-West trade requires hard decisions; these decisions have, to date, not been made. There is no escaping the fact that the attempt to achieve concrete political goals by way of expanded trade means simply to engage in economic warfare, using our most powerful and most peaceful weapon—our unmatched economic strength. The thought that political and economic goals should be completely integrated is abhorrent to some; there are those who feel that politics and economics should not be mixed. However, political and economic strength are integral parts of an overall strategy, and as long as both are executed in isolation and without close coordination, the overall strategy of the United States will be ineffectual. There is nothing immoral, illogical, or "reactionary" in linking closely these key elements of our national strength. In fact, it can be said that one of the principal strategic shortcomings in the past has been our unwillingness and/or inability to mesh the vital elements which, taken together, make up an overall dynamic and forward-looking strategy. Only when the basic ingredients of a strategy are coordinated and simultaneously implemented can political objectives be attained.

It should be the approach of those who oppose East-West trade on strategic and national security grounds to point out the necessity of recognizing the basic facts of international life. Power in itself is not evil; the exercise of power must be judged according to goals and means. In the past, our exercise of national power has been for the interests of mankind, and not for selfish and "imperialistic" interests dominated by any one group. On the other side, the economic and political power of the Soviet Union has always been closely coordinated to achieve goals which are directly contrary not only to the security of free men, but to the accepted norms of a civilized way of life.

In a much more subtle manner, the expansion of East-West trade could possibly jeopardize the security of the United States with respect to our ability to combat wars of "national liberation," particularly that in Vietnam being prosecuted by the Communists today. It is important for us to realize that the "national liberation movement" is something quite special to the Communists, and that today they are doing everything they can to utilize the "national libera-

tion movement" for their own special purposes.

Trade, which will inevitably help to make the Soviet Union stronger, will also allow her to support wars of national liberation on a much greater scale. Vietnam is a war of national liberation, and that we will have other Vietnams and other wars of national liberation seems quite likely. Of late, we have heard that "Vietnam is a key test of the strategy of national liberation wars. If we defeat it there, we will have proved our superiority and the Communists will abandon such wars as an instrument of policy." There is a peculiar optimism in this position, an optimism which does not seem entirely justified. If we were to win in Vietnam, we may not assume that there will never be another war of national liberation instigated and fought by the Communists. Indeed, the experience of Vietnam seems to have reinforced the validity of the Communist view that wars of national liberation are an ideal means to secure certain goals which they have set for themselves. At a very small cost to themselves, and fighting basically by means of proxy warfare, the Communists have every reason to conclude that wars of national liberation can, in the long run, pay even greater dividends.

For just a moment, let us look at it from the point of view of Moscow and Peking. To the Communists, wars of national liberation like that in Vietnam weaker us, increase our distaste for such wars, keep us occupied and bogged down, affect our capability to act effectively and with dispatch in other parts of the world, drain our resources, and—psychologically—injure our credibility as the world's greatest power. Looking at it from their point of view: Why should they change the strategy now, when the wars of national liberation pay such concrete dividends?

It seems quite likely that there will be more wars of national liberation. The Communists have indicated on more than one occasion their intention to coordinate the entire "national liberation movement" in an effort to combine the latent and genuine forces of nationalism now beginning to stir in the underdeveloped world with the goals of the "Socialist camp," to achieve unity against "Western imperialism." Most significant evidence of the Communist intention to rely more on wars of national liberation in the future is the Tricontinental Conference held in Havana, Cuba, from January 3 to 15, 1966. At the Tricontinental, 82 countries were represented by nearly 600 delegates. While certain "nationalist" parties participated side by side with delegations from Communist countries, the entire meeting was Communist controlled. The Tricontinental Conference represented the largest and most important meeting in the Communist world since the 81-party meeting in 1960—which resulted in Khrushchev's famous January 6, 1961, speech. Many people do not know what the Tricontinental Conference is, since they were unable to read much about it in their newspapers. However, in the year since the first Tricontinental Conference was held,



March 14, 1967

## CONGRESSIONAL RECORD — SENATE

S3769

there is concrete evidence that the decisions and resolutions reached there have already begun to be put into practice. The main items on the agenda of the first Tricontinental Conference are of considerable interest:

I. Fight against imperialism, colonialism, and neocolonialism:

3. Intensification of all forms of struggle, including the armed struggle of the peoples of the three continents against imperialism, colonialism, and neocolonialism led by North American imperialism.

4. Support to the just struggle of the Cuban people against North American imperialism and for the defense of national sovereignty. Support to the patriotic fight of Latin American peoples against imperialism and its instruments, such as the OAS.

8. Ways and means to help the national liberation movements of Africa, Asia and Latin America in general and specifically the armed struggle for liberation.

II. Urgent problems of the anti-imperialist struggle in the countries of the three continents and particularly in Vietnam, the Dominican Republic, the Congo, the Portuguese colonies, South Rhodesia, Southern Arabia and Palestine, Laos, Cambodia, South Africa, Korea, Venezuela, Guatemala, Peru, Colombia, Cyprus, Panama, South West Africa, and North Kalimantan.

III. Anti-imperialist solidarity among the Afro-Asian-Latin American peoples in the economic, social and cultural aspects.

IV. Political unification and Organizations of the African, Asian and Latin American efforts in their common struggle for national liberation.

The Tricontinental movement now has permanent organs, including the recent establishment of new training schools for training political and military cadres. Eventually, there are to be a dozen such schools in various Communist countries, all with the purpose of indoctrination and military training of "students" from the underdeveloped countries. A report of the Organization of American States on the First Tricontinental Conference was released on November 28, 1966. Unfortunately, the leading newspapers and other media of communication in the United States chose not to give major coverage to the report, a 500-page document which goes a long way toward proving that the Communists have decided to place more reliance upon national liberation warfare.

Wars of national liberation are frequently instigated at times and places not of our own choosing. Whether new wars of national liberation will occur in Africa, Latin America, or Asia depends largely upon our own ability to assist in countering their effectiveness wherever they may occur. It is not implied here that the Communists are free to do whatever they want, whenever they want. They are not superhuman, and they make more than their share of errors. But as violence, subversion, and terrorism seem to be on the increase in certain areas of the underdeveloped world—as in Venezuela during December 1966 and January 1967—we must be more realistic in analyzing the role of the international Communist movement in each and every one of these occurrences. It will not do to argue that the Soviet Union has exhibited restraint in recent

years in Africa, Latin America, and Asia; that Communists are active in revolutionary movements throughout the underdeveloped world is a fact which can and must be documented. It cannot be officially ignored. If it is ignored, it should be made plain to the American people that the facts are not being presented correctly. It is rumored that the United States has no interest in "embarrassing" the Soviet Union at a time when agreements are being sought in other areas. But at the same time, the Communists spare no efforts to embarrass us at every turn, and a mere exhibition of our inability or unwillingness to condemn them for their revolutionary activities in the underdeveloped world does not increase the influence and the prestige of the United States.

Basically, the entire matter boils down to how one views the Soviet Union and the international Communist movement today. If the Soviet Union is truly undergoing a period of deep and profound change, and if it is now charting a course of cooperation with emphasis on peace rather than on conflict, then those who argue in the spirit of the "detente mentality" for "restraint" on the part of the United States and for expanded East-West trade are entirely correct. If, on the other hand, the Soviet Union has not undergone a meaningful change in terms of its long-range goals vis-a-vis the world, and if it persists in declaring that its ultimate goal is victory over the United States and other non-Communist countries, then the decisions made in the spirit of the detente and in such important matters as expanded East-West trade are wrong and, therefore, endanger in a most meaningful way our national security.

In this battle of assumptions, those who hold that the Soviet Union has not changed and has not marked a new departure on its path of worldwide revolutionary activity, hold the advantage, because historical experience is on their side. They are not "reactionaries" who actively promote a return to the tense days of the cold war's earlier phase. They are not motivated by ideological considerations and clichés, or by wishful thinking. They are honest people who "call the shots as they see them." They advance their arguments forthrightly, and frequently find themselves dragged into polemics concerning the modernity of their political views. Because they insist on using historical experience as a guide to present policy, and because they do not share the vision of the detente idealists, one cannot simply dismiss them from the public debate.

Mr. President, I wish to again reiterate the purpose of this somewhat extended statement. It is my belief that these are questions which are of the highest importance to not only the United States but the entire free world. The posture which we adopt will directly affect the posture of the rest of the world. We cannot and must not work this change on a piecemeal basis without taking a comprehensive look at the overall picture.

I am taking this opportunity to urge my colleagues in the Senate to consider

this issue in its broad perspective and to request that we be given the opportunity to consider the administration's bridge-building efforts in their entirety, rather than on a brick-by-brick basis, not knowing what the final product will look like until it is completed.

Mr. President, I yield the floor.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

## THE WAR ON POVERTY—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER. The Chair, as in legislative session, lays before the Senate a message from the President of the United States on poverty. Without objection, it will be printed in the RECORD, and without being read, appropriately referred.

The message from the President is as follows:

To the Congress of the United States:

## I. THE CHALLENGE

The slum is as old as civilization. Civilization implies a race to get ahead. In a race there are usually some who for one cause or another cannot keep up, or are thrust out from among their fellows. They fall behind, and when they have been left far in the rear they lose hope and ambition, and give up. Thenceforward, if left to their own resources, they are the victims, not the masters, of their environment; and it is a bad master. . . . The bad environment becomes the heredity of the next generation.

These are the words of Jacob Riis, the Danish immigrant and American reformer, written in 1902. We may wish that those words applied only to the America of 1902—but clearly they apply to the America of the 1960's as well. They describe conditions in parts of every large American city and in pockets of poverty throughout rural America where 43 percent of the Nation's poor live.

It was years after Jacob Riis spoke before Americans realized that poverty was an urgent public dilemma—from which the only escape was to change the basic conditions of human life.

Theodore Roosevelt and Franklin Roosevelt in their times, began the necessary process of change:

The Children's Bureau, proposed in 1909 and established in 1912, spearheaded broad efforts to improve maternal and infant care and to provide better services and protection for our youth.

The public housing program, begun in 1934, today affords more than 2 million low-income Americans decent housing.

The benefits of the Social Security Act of 1935 will provide \$25.8 billion in old age, disability, and survivorship benefits in fiscal 1968, if my recommendations are adopted by the Congress.

The federally aided public assistance programs, authorized in 1935, will provide \$5 billion in Federal, State, and local aid to more than 7 million needy individuals in fiscal 1968.

S3770

## CONGRESSIONAL RECORD — SENATE

March 14, 1967

The Fair Labor Standards Act, enacted in 1938, now provides minimum wage and hour protection for some 40 million workers.

## A STRATEGY AGAINST POVERTY

In the 1960's, we have begun to devise a total strategy against poverty. We have recognized that public housing, minimum wages and welfare services could not, standing alone, change the bleak environment of deprivation for millions of poor families.

A successful strategy requires a breakthrough on many fronts: education, health, jobs and job training, housing, public assistance, transportation, recreation, clean air, and adequate water supplies. The basic conditions of life for the poor must, and can, be changed.

We must deal with a wide range of physical and human needs. On the human side alone, the strategy must respond to a variety of problems.

Some of the poor—the aged and the hopelessly disabled—are unable to make their own way in this world because of conditions beyond their control. For them, social security, veterans pensions and public assistance can assure a life at minimum levels of human decency and dignity.

Others in our society are working at very low wages or are unemployed. But they are capable of helping themselves if given an opportunity to do so. To launch them on the road to a self-sufficient life, special education, training, and employment opportunities will be necessary.

Our strategy requires programs that respond to the human needs of each of these groups. And we have proposed such programs:

To give disadvantaged children healthy bodies and the chance to learn.

To give the teenagers in our ghettos and pockets of rural poverty the training and skills they need to get jobs.

To give our young the chance to develop their minds in college, through Federal grants and loans.

To give the old and the disabled, who are incapable of helping themselves, increases in social security and the personal security of being able to see a doctor or obtain hospital care, without losing their entire life savings.

We also must have programs to improve the surroundings in which the disadvantaged live—the physical and social environment of America which has too long entrapped the poor. We have made proposals for—

Model cities, to rebuild entire blighted neighborhoods in cities, large and small.

Rent supplements, to bring the genius of private industry and private capital to the problem of housing the poor decently.

Civil rights legislation, to remove arbitrary barriers of discrimination which prevent a man otherwise qualified from getting a job or a home because of his race.

Our strategy against poverty relies on: The private initiative of every citizen and on the self-help efforts of the poor themselves.

The resources of city, county, State, and metropolitan agencies.

Federal programs to supplement private and local activities and often to supply the vital thrust of innovation.

We have made substantial gains. But we have also come to see how profound are the problems that confront us, how deeply ingrained are the customs and practices that must be changed, how stubbornly the heritage of poverty persists from generation to generation.

Many of our early efforts have revealed the dimensions of the work that remains to be done. For some, this has inspired a pessimism that challenges both the value of what has been accomplished and the capacity of our Federal democracy to complete the task. For others, it has inspired a sober determination to carry through with programs that show great promise, to improve their administration and to seek still more effective instruments of change.

I have already submitted to the Congress my budget recommendations for fiscal 1968.

I have recommended \$25.6 billion for the programs directly aiding the poor—a \$3.6 billion increase over fiscal 1967.

Many of the programs underlying these budget recommendations have been discussed in previous messages to the Congress this year—on education and health, children and youth, older Americans, crime in America, and equal justice. The programs described in this message are part of our strategy to change the depressing conditions of poverty now facing millions of our fellow men.

## II. POVERTY AND OPPORTUNITY

Few undertakings in our time have generated as much hope, produced as many immediate and beneficial results, or excited as much controversy, as the antipoverty program I first submitted to the Congress on March 16, 1964.

The controversy was inevitable: what is being attempted is a fundamental change in the way Government responds to the needs of the poor.

That there would be some confusion and mistakes was inevitable. The need was for action. America could not wait for a decade of studies which might not even show precisely what should be attempted. New programs had to begin in our cities and rural communities, in small towns and in migrant labor camps. America had to pull the drowning man out of the water and talk about it later.

This experience has led to progress and great accomplishment. We have learned more than some of the most enthusiastic supporters of the antipoverty program had hoped.

Greater opportunities for millions of Americans depend on how we build on our experience: On enlarged resources for the Office of Economic Opportunity to strengthen and expand programs that have shown great promise and to continue the development of new and better techniques; on tightened administration of those programs so that the poor receive the maximum benefits, at the lowest cost to the American taxpayer.

## THE ECONOMIC OPPORTUNITY ACT OF 1967

I recommend that the Economic Opportunity Act be amended:

First. To help local community action agencies define their purpose more precisely and improve their planning, auditing, and personnel systems.

The purpose and functions of community action agencies should be made more explicit: in their relationship to State, county, and municipal authorities, in planning, coordinating and providing services, and in community involvement and innovation.

Strict rules should be established to govern the pay, selection, and accountability of community action personnel. Personnel systems should embody merit features and set the highest standards of conduct and efficiency.

The provisions in existing law prohibiting partisan political activities should be retained and strengthened wherever possible.

Auditing requirements now in the law should be expanded and improved.

Second. To give public officials and other interested groups in the community voice in forming policy for community action agencies.

There should be a requirement for representation of local public agencies on community action boards, as well as representation for the neighborhood groups to be served.

Standards should be set specifically defining the powers and duties of community action boards.

The responsibility of the boards for policy formulation and control of community action programs should be made explicit.

Third. To strengthen the role of the States, especially in rural areas.

States should be encouraged to assist in establishing regional community action agencies in rural areas.

The joint funding of antipoverty programs by Federal and State agencies should be encouraged.

Federal funds should be provided so that States may give increased planning assistance to rural communities.

Fourth. To encourage more participation by private enterprise.

The obligation of community action agencies to design and conduct programs with full participation by the private sector should be made explicit.

A closer relationship should be developed between employers, unions and the new work-training programs, with more individual attention to trainees in on-the-job training programs.

Fifth. To use the Economic Opportunity Act to encourage welfare recipients to become self-sufficient.

Job Corpsmen, Neighborhood Youth Corpsmen, and others engaged in work and training under this Act should be given greater incentives to work, by allowing them to earn more without a corresponding loss of welfare assistance to their families.

Sixth. To give new direction and momentum to the programs in rural areas.

A new position of Assistant Director for Rural Affairs should be established to coordinate and strengthen programs affecting the rural poor.

Seventh. To strengthen the Economic Opportunity Council in the coordination